



Local Court of New South Wales

Practice Note 1 of 2008 To commence 7 April 2008

Re-issued pursuant to section 27 Local Court Act 2007

Identity theft prevention and anonymisation policy

1. Scope

This document determines the Local Court policy on the anonymisation of personal information that is recorded in transcripts and judgments to

- Prevent identity theft in relation to litigants and witnesses involved in court proceedings and
- To anonymise the identities of accused persons and witnesses in appropriate cases.

Unless a presiding magistrate otherwise directs, staff and the Reporting Services Branch (RSB) must comply with this policy when preparing transcripts and judgments in Local Court matters.

2. Purpose

Including unique personal identifiers are information such as streets numbers of past or present residential addresses, dates of birth, anniversary dates, Medicare numbers, bank account numbers, tax file numbers and driving licence numbers. A person's name and one unique personal identifier can be sufficient to enable identity theft.

Unique personal identifiers in judgments and transcripts is an unnecessary intrusion of privacy and can lead to identity theft. Unique personal identifiers are often given in written and oral evidence.

Any risk of identity theft can easily be avoided by anonymising unique personal identifier information.

Another purpose of this policy is to provide for the anonymisation of accused persons or witnesses in appropriate cases (e.g where an accused person is under 18 or where a witness is the victim of sexual assault).

Procedure for anonymising information

3. Numbers

RSB will use an automated substitution process to partially anonymise all information in number and address format. The last two numbers of a number sequence will be retained in the transcript.

The Magistrate will receive two documents from RSB for each hearing – an expurgated transcript and a register of substitutions.

This process will be applied on a daily basis for transcripts produced by RSB.

3.1 Names and other information

Magistrates should consider anonymising the following information as a matter of practice.

1. Residential addresses of all victims, witnesses and parties should be omitted if it has no relevance to the case. Addresses of the accused should be omitted or anonymised if this will lead to the identification of the victim.
2. Dates and places of birth of victims and witnesses should be anonymised or omitted.
3. Residential history of accused and victims should be anonymised if this could lead to identities being revealed, eg, “the family moved from Queensland to NSW. They lived in Wagga and then moved to a dairy farm in Berry. They then bought a property in Nowra and lived in the garage for 9 months while the house was being renovated.”
4. Anonymise one or both sets of information if a victim or accused is easily identified because they come from a minority group in a small town Eg. The accused is of Tongan descent and has been living in Numbugga for 3 years.
5. Omit or anonymise names of schools and places of work if it has no relevance to the case.

3.2 Legislative requirements

In criminal cases, Magistrates need to be aware of legislation that prohibits the identification of people in certain circumstances (eg. sexual offences).

As well as names, information such as racial characteristics and nationalities may also need to be removed from transcripts and judgments if these are unique characteristics that would cause a person’s identity to be uncovered.

Individual Magistrates will need to issue instructions to RSB, on a case by case basis, to anonymise information in transcripts to meet these legislative requirements.

4. Substitution practices

Court staff and the RSB are to use the substitution techniques in the table below whenever unique identifiers appear, unless otherwise directed by a Magistrate.

Information	Notes	Suggested Substitutions
4.1 Dates of birth and anniversaries		<ol style="list-style-type: none"> 1. Refer only to the year for anniversaries, eg. "the parties married in 1992" 2. Refer only to the month and the year, eg. "the child was born in July 1996" 3. Record birth dates as xx xxxx 1997.
4.2 Addresses	<p>This includes:</p> <ul style="list-style-type: none"> • Property number • Telephone number • Email address • Fax number 	<ol style="list-style-type: none"> 1. Anonymise the address eg. xx Street, xxx or the xxxxx property 2. Partially obscure phone and fax numbers, eg, xxxxxx99, xxxxxx85. 3. Replace email address with xx@xx.
4.3 Unique numbers	<p>These include:</p> <ul style="list-style-type: none"> • Bank account • Tax file • Medicare • Credit card • Car Registration • Driving Licence 	<p>Remove all or a sequence of the numbers to obscure the reference eg.</p> <ul style="list-style-type: none"> • Medicare No. xxxx xxxx xx34 <p>Or</p> <ul style="list-style-type: none"> • "the accused removed money from the following accounts: xxx59, xxxx28, xxxx68"

Information	Notes	Suggested Substitutions
	<ul style="list-style-type: none"><li data-bbox="592 259 746 293">• Passport<li data-bbox="592 322 890 356">• Student identification	

5. Register of substitutions

RSB staff should maintain a register of substitutions for verification purposes. Magistrate's staff are required to notify RSB staff of any further substitutions that are implemented in the absence of RSB staff, to ensure the register is up to date.

The register of substitutions can be included as a confidential exhibit if the personal identifiers are required during the course of a trial.

The register must be excluded from copies of transcripts that are purchased or made available to Court libraries and judgments.

Graeme Henson

Chief Magistrate

3 April 2008