

# INTERNATIONAL ASSOCIATION OF JUDGES 2023

## STUDY COMMISSION 2

### AUSTRALIA'S ANSWERS

The answers below only cover the Federal Court of Australia. The systems used by state courts are separate and are not addressed.

- 1. In your jurisdiction is a court considered to be a data controller for data protection purposes**
  - a. When performing its judicial functions?**
  - b. For purposes connection with the administration of justice?**
  - c. For purposes connected with the efficient management and operation of the courts and for statistical purposes?**

The obligations of the Commonwealth data protection laws relating to collection, use, disclosure, quality and storage of personal information and how individuals may access and correct personal information apply to the Federal Court of Australia only in relation to an act done or a practice engaged in relation to the management and administration of the Federal Court's registry and office resources.

Documents, records and other material relating to court proceedings are exempt from those privacy laws and, instead, their use is governed through the *Federal Court of Australia Act 1976* (Cth), the rules of the Court, as well as any orders, directions and determinations made in those proceedings.

- 2. In your jurisdiction does a data subject have right to information regarding the processing of their personal data by or on behalf of the courts?**

Information about the personal information handling practices of the Federal Court in relation to the management and administration of the Federal Court's registry and office resources is published on the court's website. Individuals can obtain further information by contacting the Federal Court's privacy officer.

**3. In your jurisdiction does a data subject whose personal data is published in a court document such as a judgment have the right to seek rectification of allegedly inaccurate or inappropriately disclosed personal data?**

Unless the court has made an order requiring particular personal data to be kept confidential, personal information may be published in a judgment and a data subject cannot of right seek rectification. However a data subject does have the right to request amendment or annotation of the personal information that the court holds about the individual in the management and administration of the Federal Court's registry and office resources.

**4. In your jurisdiction is personal data contained in a judgment or decision of a court or in a list or schedule of proceedings or hearings generally made accessible to the public?**

Yes, unless the personal data is subject to a confidentiality order.

**5. How are complaints addressed in your jurisdiction concerning alleged breaches by the court of the rights of data subjects?**

The Court has a privacy officer to whom complaints can be made in respect of personal information that the court holds about the individual in the management and administration of the Federal Court's registry and office resources.

**6. In your experience have data processing rules impacted adversely on your judicial independence?**

No.