

Privacy Policy

*The Legal Aid Commission of Western Australia (Legal Aid WA)
Approved May 2026 by the Executive Management Team*

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1. Introduction

Legal Aid WA is a statutory body established under the *Legal Aid Commission Act 1976* (WA), responsible for providing legal services to individuals across Western Australia. As the State's largest provider of legal aid services, Legal Aid WA **collects** and **holds** a substantial amount of **personal information** (including **sensitive personal information**) which is necessary to deliver, improve and develop services for individuals in need.

1.1 Purpose

The purpose of this policy is to:

- set out what information Legal Aid WA **collects** and **holds**; and the purpose(s) for which it will be used or **disclosed**;
- support open and transparent privacy practices; and
- ensure Legal Aid WA has appropriate processes in place to protect the **personal information** and **sensitive personal information** of **clients**, **staff** and members of the public.

1.2 Scope

This policy applies to all Legal Aid WA **staff** and services, and to personal information held by or under the control of Legal Aid WA.

1.3 Supporting Documents

This policy should be read in conjunction with the following policy documents.

- Privacy Procedures Manual (forthcoming)
- Data Breach Policy and Procedures (forthcoming)
- Other documents as referred to throughout this policy.

1.4 Related Legislation

- [*Privacy and Responsible Information Sharing Act 2024 \(WA\)*](#) (PRIS)
- [*Legal Aid Commission Act 1976 \(WA\)*](#)
- [*Freedom of Information Act 1992 \(WA\)*](#)
- [*State Records Act 2000 \(WA\)*](#)
- [*Equal Opportunity Act 1984 \(WA\)*](#)
- [*Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015*](#)
- [*Criminal Procedure Act 2004 \(WA\)*](#)
- [*Public Sector Management Act 1994 \(WA\)*](#)
- [*Surveillance Devices Act 1998 \(WA\)*](#)

2. Terms Used

Term	Definition
Personal Information (PI) *See s 4 PRIS for full definition. <i>*In this policy, reference to PI includes SPI, unless otherwise stated.</i>	Information or an opinion about an individual (living or dead) that could identify or reasonably identify them. The information or opinion does not have to be true, or in a written form. Examples include: <ul style="list-style-type: none"> - a name, date of birth or address, - a unique identifier, - contact information, - information that relates to an individual's location.
Sensitive Personal Information (SPI) *See s 4 PRIS for full definition.	A subset of personal information that is afforded a higher level of protection. It includes information such as racial or ethnic origin, gender identity in relevant circumstances, sexual orientation or practices, political opinions or association, religious or philosophical beliefs, professional or trade association or union membership, criminal record, health information, genetic or genomic information, and biometric information.
Staff	Includes all Legal Aid WA employees, as well as contractors, sub-contractors, consultants, interns, volunteers and members of a Legal Aid WA Board.
Client	Any individual who receives a legal or non-legal service through Legal Aid WA.
Consent *See s 4 PRIS for full definition.	Includes both express consent (where an individual communicates their permission verbally or in writing) or implied consent (where an individual's permission is inferred from their actions, behaviour or the context).
Collect *See s 4 PRIS for full definition.	Obtaining information from any source or by any means, including by inference or generation from other information.
Disclose *See s 10 PRIS for full definition.	Sharing information with a person, organisation or the public, but not internal handling within Legal Aid WA.
Hold *See s 4 PRIS for full definition.	Having possession or control of information, whether by Legal Aid WA alone or jointly with others.
Privacy Officer *See s 151 PRIS for full definition.	Either the principal officer of Legal Aid WA, or a senior officer as designated by Legal Aid WA.

3. Responsibilities

All **staff** are responsible for:

- complying with this policy and any supporting documents;
- handling personal information only where this is necessary for their role; and
- taking reasonable steps to protect **PI** from misuse, loss, unauthorised access, modification or disclosure.

In relation to this policy, the **Privacy Officer** is responsible for:

- all duties as set out in section 151(2) of PRIS;
- supporting privacy compliance and privacy governance within Legal Aid WA;
- providing advice on privacy matters;
- coordinating and managing privacy complaints, including any escalations;
- liaising, where appropriate, with the Office of the Information Commissioner;
- supporting privacy training and awareness; and
- ensuring the currency of this policy.

The Chief Executive Officer, as principal officer, is responsible for:

- ensuring that Legal Aid WA implements and undertakes practices that are consistent with PRIS;
- notifying and updating the Information Commissioner of the name and contact details of the **Privacy Officer**.

4. Collection of Personal Information

4.1 What do we collect & why?

We **collect** information about **staff**, **clients** and individuals who interact with us where that information is reasonably necessary for the performance of one or more of our functions or activities. The below table is a non-exhaustive list of the information we may **collect**, and the purposes for which it is collected. General collection refers to all individuals; **client** and **staff** refer specifically to that group.

Table 4.1A

	Personal Information we collect	Purpose and Use
General collection	<ul style="list-style-type: none"> names, date of birth, addresses; contact details, as well as alternative contact details; cultural and language details; photographs or recorded images; technical information such as IP addresses; signatures; details associated with business and qualifications; and Sensitive Personal Information: <ul style="list-style-type: none"> racial or ethnic origin; gender identity; sexual orientation or practices; criminal record; and genetic, health or biometric information. 	<ul style="list-style-type: none"> record keeping obligations; managing the business and operations of the commission; report on services and plan according to demand; respond to enquiries and resolve complaints; conduct surveys and research; promote and operate our events, services, staff and programs; manage procurement and panel practitioner applications; manage the safety of our offices and staff; and comply with legal obligations.
Client collection	<ul style="list-style-type: none"> relationship and family details; guardian and administrator information; financial circumstances; government identifiers; circumstances of legal matters; circumstances of non-legal matters; and details about other party(ies) involved in matters. 	<ul style="list-style-type: none"> assess suitability and eligibility for assistance, services and grants; initial and ongoing contact; verify identity, and authorised third-parties; plan and report on our services; assist with legal and non-legal matters; and comply with legal obligations.
Prospective and Current Staff collection	<ul style="list-style-type: none"> citizenship, residency or visa details; referee details; previous employment details; ongoing employment details, including performance and behaviour; usage data related to work device(s); copies of identification documents; academic records; and banking, taxation and superannuation details. 	<ul style="list-style-type: none"> recruit, train and manage staff; comply with work, health and safety obligations; investigate and resolve complaints; monitor policy and legal compliance; support ongoing employment; and comply with legal obligations.

4.2 How do we collect this information?

Legal Aid WA will generally **collect** information directly from the relevant individual. We may **collect PI** from another person or source where:

- the individual, or their guardian or authorised representative, has **consented**; or
- it is impractical or unreasonable to obtain the information directly from the individual; or
- the collection is required or authorised by law.

PI may be collected from a range of sources, including the following:

Table 4.2A

How we collect information generally	Collection related to prospective and current staff
<ul style="list-style-type: none"> • from the individual; • authorised third-parties; • courts and justice system agencies; • community legal centres; • CCTV and photography; • social media and online analytics information; • cookies and similar technologies; and • registration forms and attendance at events. 	<ul style="list-style-type: none"> • from the application and individual; • authorised representative(s); • referees; interviews and reports; • current and previous employers; • third-party recruitment agencies; • academic and regulatory bodies; • police, for criminal history checks; • medical providers; and • superannuation funds.

4.3 Collection Notices

Wherever possible, Legal Aid WA will take reasonable steps to notify an individual, or otherwise ensure the individual is aware, of relevant matters about the collection of their **PI**.

4.4 Unsolicited Information

Where unsolicited information, meaning information that Legal Aid WA did not request, is provided to us, we will either:

- **Hold** the information where it is lawful and reasonably appropriate to do so; or
- otherwise destroy or de-identify the information, where lawful and reasonable to do so.

5. Use & Disclosure of Personal Information

5.1 General Use & Disclosure

PI collected by Legal Aid WA may be used or **disclosed**:

- for the primary purpose for which it was collected, including the purposes set out in Table 4.1A;
- for a related purpose where:
 - the individual has **consented**; or
 - the individual would reasonably expect the information to be used or **disclosed** for that purpose, and:
 - for **PI**, the purpose is related to the primary purpose; and
 - for **SPI**, the purpose is directly related to the primary purpose;
- where the use or disclosure is necessary for research or statistical purposes, and the information will not be **disclosed** in identifiable form, and it is impracticable to seek the individual's **consent**;
- where the use or disclosure is necessary to prevent or lessen a serious threat to the life, health, safety or welfare of any individual;
- where the use or disclosure is necessary to prevent or lessen a serious threat to public health, public safety or public welfare;
- where the use or disclosure is necessary to prevent or lessen a threat to the life, health, safety or welfare of any individual due to family violence;
- where Legal Aid WA suspects that unlawful activity has been, is being, or may be, engaged in, and the use or disclosure is necessary for investigation or reporting;
- where the information is *administrative information* as defined in s 64(2b) of the *Legal Aid Commission Act 1976 (WA)*;
- where it is necessary for proceedings before a court or tribunal; or
- where otherwise required or authorised under law.

5.2 Disclosure Outside of Australia

Legal Aid WA may **disclose** information outside of Australia. In some cases, it may be considered necessary and appropriate, such as where an individual resides overseas, or where the assistance they request necessitates disclosure overseas. Some systems used by us may also store or process **PI** outside Australia, such as cloud-based systems.

5.3 Surveys and Research

We may use **PI** to conduct statistical analysis and research to improve service delivery. These surveys and research will either be conducted by us or a trusted third-party company that has obligations to protect privacy as well. We only provide third-party companies with limited details about **staff** and **clients**, and these individuals will have the right not to participate in the survey and research.

5.4 De-Identified Information

De-identified information refers to PI which has been modified or processed to ensure the identity of the individual is not apparent or reasonably ascertainable. Legal Aid WA will never seek to re-identify information that has been provided to it by an external entity, unless authorised or required by law. We may use or **disclose** de-identified information that we have generated, including for funding reports, annual report case studies, survey results, evaluation or other lawful purposes.

6. Protection of Personal Information

Legal Aid WA takes reasonable steps to protect **PI** from loss, unauthorised access, use, modification or disclosure.

These steps include the following:

- recording and restricting access to our offices and systems;
- encryption of all email communications;
- management of electronic and paper records in line with the [Records Management Policy & Procedures](#) (staff access only), the [Information Security Policy](#) (staff access only), the [State Records Act 2000 \(WA\)](#) and any other relevant document;
- requiring **staff** to only handle information that is necessary to perform the functions of their roles, with access managed in line with the [Access Policy](#) (staff access only); and
- confidentiality agreements with third parties that have or may have access to Legal Aid WA information (whether through digital or physical access).

In addition to taking steps to protect **PI**, we also ensure that **PI** is not kept any longer than necessary or required. Legal Aid WA will either destroy or de-identify information, provided it is lawful to do so, in compliance with our [Retention and Disposal Procedure](#) (staff access only).

7. Access & Correction

Individuals, or their authorised representative(s), can contact Legal Aid WA to get access to **PI** we **hold** about the individual. If an individual believes any information we **hold** about them is inaccurate, incomplete, out of date or misleading, they have a right to ask us to correct it.

For information about how to access and correct **PI**, please visit: [Freedom of Information | Legal Aid WA](#).

8. Automated Decision-Making

Legal Aid WA does not use completely automated processes to make any significant decisions about individuals. In the case of an application for a grant of legal aid, automated systems are employed to assist in the calculation of a means assessment, however the decision ultimately lies with a human assessor. Individuals will be informed where automated decision-making is utilised and avenues for review will be available. Individuals can contact us on the details below for more information.

9. Anonymity

Generally, individuals must identify themselves to access our services, for example to receive legal advice or representation. Where an individual's identity is not required or necessary, such as where the individual seeks general information or wishes to make a complaint, they can choose to remain anonymous.

10. Complaints & How to Contact Us

For enquiries or complaints relating to the way that Legal Aid WA has handled your **personal information**, please contact us on the below details.

 privacy@legalaid.wa.gov.au



Privacy Officer

Legal Aid WA
PO Box L916
PERTH WA 6842



Complaints can be made in person at any of our [offices](#). **Staff** members can assist individuals to make a complaint and ensure it is referred to the **Privacy Officer**.

11. Policy Breach

- All **staff** are required to comply with Legal Aid WA's policies.
- Any **staff** member who is unsure of whether an intended course of action will comply with this policy should seek advice from their Supervisor, Division Director or the **Privacy Officer** before taking any action.
- Failure to comply with this policy may result in disciplinary action being taken.

12. Review

- This policy will be reviewed every year from the date of publishing.
- Any individual who believes this policy is not relevant, practicable, accessible, inclusive, clear, or consistent with legislation and existing Legal Aid WA policies should notify the **Privacy Officer** by emailing privacy@legalaid.wa.gov.au, who will determine if an amendment or a review is required.

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