

Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025

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Mr Martin Hunt
Chair
Justice, Integrity and Community Safety Committee
Queensland Parliament

By email: jicsc@parliament.qld.gov.au

Dear Chair

Inquiry into the *Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025*

The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission to the Justice, Integrity and Community Safety Committee's inquiry into the *Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Bill)*.

OIC acknowledges that Queensland Police Service (**QPS**) currently administers an existing non-public child protection register under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (CPOROPO Act)*. The Bill proposes to amend this Act to establish a three-tiered community protection and public child sex offender register (**Public Register**) which builds on the existing non-public register. The Public Register will involve disclosing the personal information of reportable offenders on a public website and through a disclosure scheme.

OIC's comments focus on the privacy impacts associated with the Public Register as well as considerations relating to the administrative release of reportable offender information.

About the OIC

OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Information Privacy Act 2009 (IP Act)* and *Right to Information Act 2009 (RTI Act)*.

The RTI Act promotes openness, accountability and transparency by facilitating greater access to government-held information. It supports the administrative release of government-held information as a matter of course. Formal applications for government-held information under the RTI Act should be made as a last resort only.

The IP Act provides safeguards for the handling of personal information in the public sector environment. It sets out the Queensland Privacy Principles (**QPPs**) which govern the collection, management, use and disclosure of personal information by Queensland public sector agencies, and also provides for the Mandatory Notification of Data Breach scheme. The IP Act operates subject to the provisions of other Acts. This means an agency will not breach privacy principles relating to disclosure of personal information where disclosure is required or permitted under another Act.

Privacy impacts

We submit that disclosing the personal and sensitive information of reportable offenders through a public website and disclosure scheme will significantly impact the privacy of reportable offenders as well as others, such as victims and family members. Accordingly, it is strongly recommended that a comprehensive [Privacy Impact Assessment \(PIA\)](#) be conducted to identify privacy impacts, assess compliance with the QPPs and review mitigating measures, followed by the formulation of a privacy risk management approach. The initial steps are outlined below.

Identifying privacy impacts

The PIA will need to assess the privacy impacts for reportable offenders arising from the Public Register for each Tier.

- (a) For Tier 1, missing non-compliant reportable offenders may have their name, year of birth, facial image and a description of any tattoos or distinguishing marks published on a public website. Other information may include the make and model of their car.¹
- (b) For Tier 2, particular reportable offenders may have their facial image released in a secure way to Queensland residents who reside in their locality and have made an application.²
- (c) For Tier 3, reportable offenders who have had, or will have, unsupervised contact with a child may have their reportable offender status disclosed to Queensland residents (upon application) who are the parent or guardian or are exercising parental responsibility other than on a temporary basis for the child.³

It is noted that there is no requirement for the Police Commissioner to notify any person likely to be affected by decisions relating to the disclosure, provision or publication of information under the Public Register and provide them with the opportunity to put information or submissions to the Police Commissioner.⁴ We submit this creates a significant privacy risk for victims and other affected persons who may be identified as a result of the Public Register.

Privacy impacts associated with individuals applying for information (applicants), particularly Tier 3, will also need to be considered.

Compliance with the QPPs

Queensland public sector agencies must handle personal⁵ and sensitive⁶ information in accordance with the QPPs. However, as a law enforcement agency, QPS is not subject to certain QPP obligations⁷ if non-compliance is necessary for the performance of its law enforcement activities.⁸

In relation to the Public Register, the personal information of reportable offenders will include their facial image and particular personal details. Sensitive information will include a reportable

¹ New section 74AF and section 74AB(1).

² New section 74AG.

³ New section 74AI.

⁴ Explanatory Notes, p7.

⁵ Personal information is any information about an identifiable, or reasonably identifiable, individual (see section 12 of IP Act).

⁶ Sensitive information is a subset of personal information and includes information about an individual's racial or ethnic origin, or criminal record (see schedule 5 of IP Act).

⁷ Specifically, QPP 3.6, 5, 6 or 10.1.

⁸ Section 29(1)(a) of IP Act.

offender's criminal record and a photograph of a reportable offender if the individual's racial or ethnic origin or religious beliefs is apparent.

We submit the PIA should detail how QPS will comply with the QPPs when administering the Public Register (specifying any relevant exemptions) including the following:

- (a) the collection of personal and sensitive information (QPP 3);
- (b) the use and disclosure of personal and sensitive information (QPP 6);
- (c) ensuring the quality of the personal information (QPP 10);
- (d) protecting the information from misuse, interference and loss, and from unauthorised access, modification or disclosure (QPP 11.1); and
- (e) destroying information no longer needed or ensuring the information is de-identified (QPP 11.2).

As QPS will be sharing personal and sensitive information with other entities, for example, Queensland Corrective Services (see new section 74AG(4)), it will be necessary to ensure this occurs in compliance with the QPPs (unless an exemption applies) and is authorised by law. It is recommended that formalised mechanisms such as Memorandums of Understanding are established for these types of arrangements.

Mitigating measures

Proposed measures to reduce negative privacy impacts, include limiting access to reportable offender information and treating any information accessed or received through the Public Register as confidential.

A significant mitigating measure includes the following new offences:

- (a) an offence targeting conduct intending to, or inciting others to, intimidate or harass a person believed or suspected to be an identified offender;
- (b) an offence targeting conduct that is likely to, or likely to incite others to, intimidate or harass a person believed or suspected to be an identified offender; and
- (c) an offence relating to the unauthorised sharing of information obtained through the Public Register.

It is noted that intimidation and harassment could also be directed at others as a result of the Public Register, for example, family members of offenders. We submit that consideration be given to the inclusion of additional offences such as the following:

- (a) providing false or misleading information to obtain information under Tier 2 and 3;
- (b) using information for a purpose other than the purpose for which the information was obtained under any Tier; and
- (c) unauthorised possession or copy of information obtained under any Tier for example, retaining a screenshot of Tier 1 information after that information has been removed from the website.

It is noted that, in relation to Tier 1 and 2, the Police Commissioner may consider a range of factors including the effect on a victim of an offence committed by an offender, the public interest and consistency with the purpose of the CPOROPO Act, and any other matter the Police Commissioner considers is relevant.⁹ This discretion could be used to reduce negative privacy impacts.

Guidelines

The new section 69(2) states the Police Commissioner must develop guidelines about access to, and the disclosure or publication of, personal information in the register that attempt to ensure that access to that information is restricted in a way that does not interfere with the purpose of the Act. We support the establishment of guidelines and submit they could be developed upon completion of a comprehensive PIA.

Transparency by Design

OIC has previously provided feedback on this proposal and recommended that QPS adopt a 'Transparency by Design' approach when establishing and administering the Public Register, in alignment with the RTI Act. This involves a deliberate and considered approach to how the information on such a Register will be treated under the RTI Act. Documenting the decision-making considerations associated with administrative release of reportable offender information will be paramount as will the approach to the type of information collected. For example, if the information is gathered through various means, including digital records, careful consideration needs to be given as to how that information will be assessed for access under the RTI Act.

Statutory review

The Bill requires a statutory review of the Public Register to occur as soon as practicable following five years of operation. OIC recommends that the review address:

- (a) any privacy impacts and unintended consequences associated with the Public Register;
- (b) the effectiveness of the treatment of access to information on the Public Register under the RTI Act; and
- (c) the effectiveness of the offence provisions.

Thank you for the opportunity to make a submission on the Bill. We trust our comments will assist the Committee in its work. Should you require further information regarding the above matters, please contact us at [REDACTED] or on [REDACTED].

Yours sincerely



Joanne Kummrow
Information Commissioner

⁹ New section 74AH(2).