



**Land and Environment
Court**
of New South Wales

**IDENTITY THEFT PREVENTION AND ANONYMISATION
POLICY**

Commencement

1. This policy commences on 3 April 2018. It replaces the policy made on 30 June 2010.

Purpose

2. The primary purpose of this policy is to prevent identity theft. Unique personal identifiers are information such as street 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.
3. Including 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.
4. Any risk of identity theft can easily be avoided by anonymising unique personal identifier information.
5. Another purpose of this policy is to provide for the anonymisation of accused persons or witnesses in appropriate cases (eg. where an accused person is under 18 years or where a witness may need protection from identification).

Application

6. This document determines the Land and Environment Court's policy on the anonymisation of personal information that is recorded in transcripts and judgments to:

- (a) prevent identity theft in relation to litigants and witnesses involved in court proceedings; and
 - (b) to anonymise the identities of accused persons and witnesses in appropriate cases.
7. Unless a Judge or Commissioner otherwise directs, Judges and Commissioners, staff of Judges and of the Registry (including Commissioner Support), and the Reporting Services Branch (RSB) are to comply with this policy when preparing transcripts and judgments in Land and Environment Court matters.

Procedure for anonymising information

Numbers

8. 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.
9. Where a transcript has been ordered, the Judge or Commissioner hearing the proceedings will receive two documents from RSB for each hearing – an anonymised transcript (see sample at [Annexure 1](#)) and a register of substitutions (see sample at [Annexure 2](#)).
10. This process will be applied on a daily basis for transcripts produced by RSB.

Names and other information

11. Judges and Commissioners should consider anonymising the following information as a matter of practice:
- (a) 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;
 - (b) dates and places of birth of victims and witnesses should be anonymised or omitted;

- (c) 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”;
- (d) 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”; and
- (e) omit or anonymise names of schools and places of work if it has no relevance to the case.

Real property information

12. Although information about property addresses should often be omitted or anonymised, there are circumstances where it is appropriate to disclose information about real property. These include where it is necessary, and only to the extent it is necessary:
 - (a) to identify the particular land which is the subject of an application for a statutory approval (such as development consent under the *Environmental Planning and Assessment Act 1979*) or a statutory order (such as under ss 9.34, 9.35 or 9.36 of the *Environmental Planning and Assessment Act 1979*) or a statutory claim (such as a valuation objection under the *Valuation of Land Act 1916*, a claim for compensation for the compulsory acquisition of land or a land claim under the *Aboriginal Land Rights Act 1983*); or
 - (b) to identify other land about which evidence has been given where reference to the land, such as a property title reference, is necessary in order to determine the proceedings (such as to describe the comparable sales of land in valuation objections and compensation claims).

Legislative requirements

13. In criminal cases, Judges need to be aware of legislation that prohibits the identification of people in certain circumstances.
14. 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.
15. Individual Judges will need to issue instructions to RSB, on a case by case basis, to anonymise information in transcripts to meet these legislative requirements.

Substitution practices

16. Judges and Commissioners, staff of Judges and the Registry, and the RSB are to use the substitution techniques in the table below whenever unique identifiers appear in a transcript or judgment, unless the Judge or Commissioner hearing and determining the proceedings otherwise directs.

Information	Notes	Suggested Substitutions
1.1 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.
1.2 Addresses	This includes: <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 xx Street, xxxx or the xxxxx property.2. Partially obscure

		<p>phone and fax numbers, eg. xxxx xx99, xxxx xx85.</p> <p>3. Replace email addresses with xx@xx.</p>
1.3 Unique numbers	<p>These include:</p> <ul style="list-style-type: none"> • bank account • tax file • Medicare • credit card • car registration • driving licence • passport • student identification 	<p>Remove all or a sequence of the numbers to obscure the reference, eg. Medicare No xxxx xxxx xx34 or</p> <p>“the accused removed money from the following accounts: xxx59, xxxx28 and xxxx68.”</p>

Register of substitutions

17. RSB staff should maintain a register of substitutions for verification purposes. Judge’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.
18. The register of substitutions can be included as a confidential exhibit if the personal identifiers are required during the course of a trial.
19. This register must be excluded from copies of transcripts that are purchased or made available to Court libraries and judgments.

Issued by

The Hon. Justice B J Preston
 Chief Judge
 Land and Environment Court of NSW
 29 March 2018

ANNEXURE 1 – Sample anonymised transcript

RSB:SND

D3

Q. And do you remember whereabouts that restaurant was?

A. It was off Smith Street, Downtown.

Q. So you had dinner there at the restaurant?

5 A. Yes.

Q. And what did you do after that?

A. I went back to the car and sent a message to Jane's phone and said,
10 "What's the address as I'll be there in about 10-15 minutes?" Then received a
further reply that the address was xx xxxxxxx xxxx, Downtown.

Q. And did you then, in effect, go to xx xxxxxxx xxxx, Downtown?

A. Yes.

15 Q. How did you get there?

A. John dropped me off.

Q. In the car with John who else was there?

A. My brother.

20

Q. Do you know about the time that you arrived at xx xxxxxxx xxxx?

A. Was about two hours after dinner, so about - dinner was at, about
6 o'clock.

25 Q. So about 8pm that evening?

A. Yes.

Q. In relation to that do you remember on that night, on the Saturday, what
shoes you were wearing?

30 A. I wore white trainers.

Q. So you have arrived at xx xxxxxxx xxxx at about 8pm?

A. Yes.

35 Q. What did you do then upon arrival there?

A. I sent a text message to Jane's phone, that is that I am outside.

Q. What happened then?

A. I then saw a male come out of the premises at xx xxxxxxx xxxx, Downtown.
40 I got out of the car, thanked them for dropping me off. The male walked down
the stairs. He was in long blue pants, a white T-shirt and sneakers.

Q. Did you know this man before?

A. No, I've never seen him before.

45

Q. Did you come to know who this person was?

A. Yes.

Q. Who was that?

50 A. Jane's boyfriend.

.02/09/09

93

SMTIH XN

ANNEXURE 2 – Sample register of substitutions

Register of Substitutions

Matter Page#	Doc Page#	Line #	Original Text
77	5	30	67 Smith Road
78	6	19	29 Smith Road
81	9	5	29 Smith Road
81	9	6	67 Smith Road
81	9	23	67 Smith Road
83	11	22	67 Smith Road
84	12	41	Smith Road
84	12	42	29 Smith Road
85	13	18	Smith Road
85	13	21	67 Smith Road
85	13	34	AB-12-CD
85	13	43	1234-5678-910
88	16	1	Smith Road
93	20	10	29 Smith Road
93	20	12	29 Smith Road
93	20	21	29 Smith Road
93	20	32	29 Smith Road
93	20	39	29 Smith Road
111	39	1	29 Smith Road
111	39	34	29 Smith Road
112	40	16	3rd of Feb
112	40	19	3 February 1988
123	51	28	67 Smith Road
127	55	35	Smith Road
135	63	42	84 Jones Street,
140	68	32	29 Smith Road,
140	68	34	Jones Street
160	88	48	3/2/88
160	88	49	1988