

Identity Theft Protection Program



Justice &
Attorney General

Information Sheet

February 2010

What is the Identity Theft Protection Program?

The Identity Theft Protection (ITP) Program is a new program that will ensure individuals giving evidence in court are protected from identity theft through the anonymisation of personal identifiers in court transcripts.

The program will be implemented in the Supreme Court from 1 March 2010.

Background

In 2008 the Supreme Court raised the issue of identity theft as a potential issue in the production and distribution of court transcripts and recommended improved court processes in this area.

In response, the Department of Justice and Attorney General's Reporting Services Branch (RSB) has introduced new procedures that allow personal identifiers in court transcripts to be anonymised.

The new process will involve the replacement of personal details in the body of a transcript. The anonymised information will then be available through a separate register to the presiding officer and parties.

Current practice

Currently, unique personal identifiers for individuals attending court are given as both written and oral evidence.

These include:

- Names
- dates
- centrelink card numbers
- tax file numbers
- passport numbers
- cab charge numbers
- motor vehicle registration numbers
- addresses
- telephone numbers
- drivers licence numbers
- medicare numbers
- credit card numbers
- bank account details
- private health insurance numbers

These identifiers are available in transcripts that are published or transcripts that are purchased by third parties.

New procedure

From 1 March 2010, RSB will anonymise personal identifiers in transcripts with guidance from the presiding officer in each case.

RSB staff will use one of two methods to anonymise personal identifiers:

1. Mandatory substitutions for standard identity details, that is a court reporter will place an equal (=) symbol before and after words or phrases, or in-between words or characters requiring anonymisation. When the transcript is typed, the marked-up information is removed (see Attachment One).

2. During the production of a transcript, personal identifiers in the transcript will be marked-up as the transcript is prepared and replaced automatically through a search-and-replace process, where personal identifiers are replaced with a series of 'x's.

Substitution register

Unique personal identifiers anonymised using these methods will be listed in a register of substitutions, which is created during the anonymisation process (see Attachment Two).

The register will be made available to the presiding officer and parties, but excluded from copies of transcripts that are purchased or otherwise published.

The presiding officer can request that certain information remain in the transcript or that the transcript and register are made available to a third party.

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

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Attachment One – Example of a transcript with anonymised text

RSB:SND D3

Q. And do you remember whereabouts that restaurant was?
A. It was off Smith Street, Downtown.

5 Q. So you had dinner there at the restaurant?
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.

Attachment Two – Example of a 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