



# **X-ray body scanners in youth detention centres**

Privacy Impact Assessment

February 2025

# Document information

Date PIA completed:			
Status:	<input checked="" type="checkbox"/> New PIA	<input type="checkbox"/> Update. Date of previous version:	
Prepared by:	Youth Detention Operations		

## Endorsement and approval

### Project manager:

I **recommend** the project proceeds as proposed in this document.

Position:	Manager, Youth Detention Operations	Date:	16 January 2025
-----------	-------------------------------------	-------	-----------------

The following officer/s have **endorsed** this document:

Position:	Director, Youth Detention Operations	Date:	7 February 2025
-----------	--------------------------------------	-------	-----------------

### Senior management:

I **agree** to the project proceeding as proposed in this document.

Position:	Senior Executive Director, Youth Detention Operations and Reform	Date:	25 February 2025
-----------	--	-------	------------------

# Context and background

## Context

Youth detention centres (YDCs) are secure environments which are required to prevent the unauthorised introduction of restricted, prohibited and illegal items ('contraband') from the community. This is in line with the Chief Executive's responsibilities under section 263 of the *Youth Justice Act 1992* (YJ Act) to ensure the safe and secure management of YDCs.

The YJ Act and *Youth Justice Regulation 2016* (YJ Regulation) provide the Chief Executive a range of search methods to prevent the introduction of weapons, drugs and other items that could pose a risk to the safety of young people, staff and visitors.

The YJ Regulation allows for the following search practices of young people, with a range of safeguards regarding risk assessment thresholds commensurate with escalating levels of approval and record keeping requirements:

- **wand search** – a young person remains clothed and is searched with a hand-held metal detector or ion scanner (only a young person's hands come into contact with the ion scanner)
- **clothed search** – a young person remains clothed but is asked to remove their shoes and empty and turn-out their pockets, then staff use a pat-down technique to search the young person
- **imaging search** – a young person remains clothed and is asked to walk-through an x-ray body scanning machine, then authorised staff analyse the x-ray scan image to detect any contraband on the young person
- **partially clothed search** – does not involve touching the young person, it searches their upper and lower body, permitting the young person to remain partially clothed (i.e. upper body remains clothed while their lower body is searched and vice versa) – completely unclothed searches of a young person are strictly prohibited. Partially clothed searches must be approved by an authorised delegate following a detailed risk assessment
- **cavity search** – involves the visual, manual or instrument inspection of a young person's body cavities by a medical professional. Cavity searches must be approved by an authorised delegate following a detailed risk assessment (referred to as a 'body search' within the YJ Regulation).

To date, Queensland youth detention centres have relied on physical search practices which are not considered best practice from a safety and security perspective, and impede young people's human rights, dignity, privacy and wellbeing. These concerns are particularly pertinent given the vulnerabilities and trauma often associated with young people in custody, and the department's obligations under the Child Safe Standards and the *Human Rights Act 2019* (Human Rights Act).

External recommendations and advocacy prompted the department to explore alternative search technologies, x-ray body scanners were identified as the most appropriate and effective solution to improving search practices of young people.

Accordingly, an amendment to the YJ Regulation commenced on 30 September 2024 that establishes legal authority for imaging searches as an additional search practice available to youth detention centres. Imaging searches will be used as an alternative to partially clothes searches to reduce traumatisation of young people, noting the high proportion of young people in custody (compared to the general population) who have been victims of sexual abuse.

X-ray body scanners, through the emission of low-dose x-ray imaging technology, offer a range of benefits including:

- improved privacy and dignity outcomes for young people and alignment with trauma-informed practice principles
- superior detection technology, including the ability to detect organic and inorganic items, secreted externally or internally, while the young person remains fully clothed
- very low dose x-ray emissions that are suitable for young people, including pregnant young women
- ability to network machines (to ensure emission dosage limits can be monitored across all YDCs in the event a young person is admitted to different YDCs over time) and to existing information systems and cloud/network storage
- significantly reduced need for partially clothed searches, and
- improved safety outcomes for young people and staff.

## Background

The department has investigated non-invasive screening technology solutions in response to oversight recommendations and centre operational needs since 2016. This has been conducted with the view of identifying a more effective contraband detection measure for items concealed under young people's clothing, within body cavities, or otherwise on the body. It is expected that x-ray transmission technology has the potential to significantly reduce the reliance on partially clothed searches.

The department trialled a Milliwave scanner (non-irradiating technology) at the Brisbane Youth Detention Centre (BYDC) commencing in 2017. This formed part of a response to a 2016 Youth Detention Inspectorate recommendation that required the department to '...explore the purchase or lease of electronic contraband detection equipment' to reduce the reliance on partially clothed searches. However, the Milliwave technology was limited to identifying items hidden on skin surfaces and within clothing, with low detection reliability. These findings are consistent with other custodial jurisdictions which found Milliwave scanners to be of limited use. The Milliwave scanner is no longer operational at BYDC due to repeated breakdowns and malfunctions.

The Queensland Ombudsman further noted in his 2021 site visit report that 'the department continue to work to find effective ways to keep harmful contraband out of centres in the least intrusive way for young people'. In response, the department has explored the introduction of x-ray body scanners as part of young person search protocols. It is evident from the research conducted that, with the aid of low-dose emission x-ray imaging technology, x-ray body scanners can provide detailed images of metallic, non-metallic, and organic objects concealed both outside and inside the body, beneath clothing and hidden in shoes. This technology provides a contactless search option and allows young people to remain fully clothed.

The possession, acquisition and use of body scanners is regulated under the *Radiation Safety Act 1999* to minimise the risk associated with radiation transmission. The Radiation Safety Unit within Queensland Health (State Regulator) has approved the department's Radiation Safety Protection Plan (RSPP) and granted a licence to possess x-ray body scanner technology. Subsequently, a separate procurement process has occurred as part of the Wacol Youth Remand Centre (WYRC) construction project, resulting in the selection and procurement of the 'Tek84 Intercept' device (manufactured by Rapiscan).

# Privacy impact assessment

## Purpose

The purpose of this Privacy Impact Assessment (PIA) report is to:

- analyse the privacy impacts in relation to compliance with requirements of the *Information Privacy Act 2009* (IP Act)
- identify risks; and
- explore solutions for mitigating or minimising any negative impacts.

## Scope

The PIA is being undertaken as part of scoping activities, enabling the department to better understand the legislative, policy, system, ICT and training requirements needed to comply with information privacy and human rights of young people in youth detention.

The PIA is limited to consideration of the privacy implications of the Tek 84 (Rapiscan) device and associated data storage and networking solutions.

## Review

The Office of the Information Commissioner (OIC) has recommended a scheduled review occur following the introduction of new Queensland Privacy Principles from 1 July 2025.

## Project

### Project Description

The department intends to introduce additional transmission x-ray body scanners at all youth detention centres across Queensland, to significantly increase the detection of contraband concealed under clothing, within body cavities and within the body; reduce the reliance on partially clothed searches; and improve the safety and security of the centres.

The introduction of this technology will strengthen the department's alignment with the *Human Rights Act 2019* and the Child Safe Standards (as per recommendation 6.5 from the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse).

### Project Approach

Wacol Youth Remand Centre will be the first Queensland youth detention centre to procure and install two Tek 84 devices and will serve as a pilot site to further investigate the operational requirements of imaging searches for existing and planned youth detention centres.

## Governance

This is an internal YDOR operational project with oversight from the Senior Executive Director (SED). The project will report through existing YDOR governance mechanisms to inform procurement, installation and operationalisation.





## Data and personal information flows

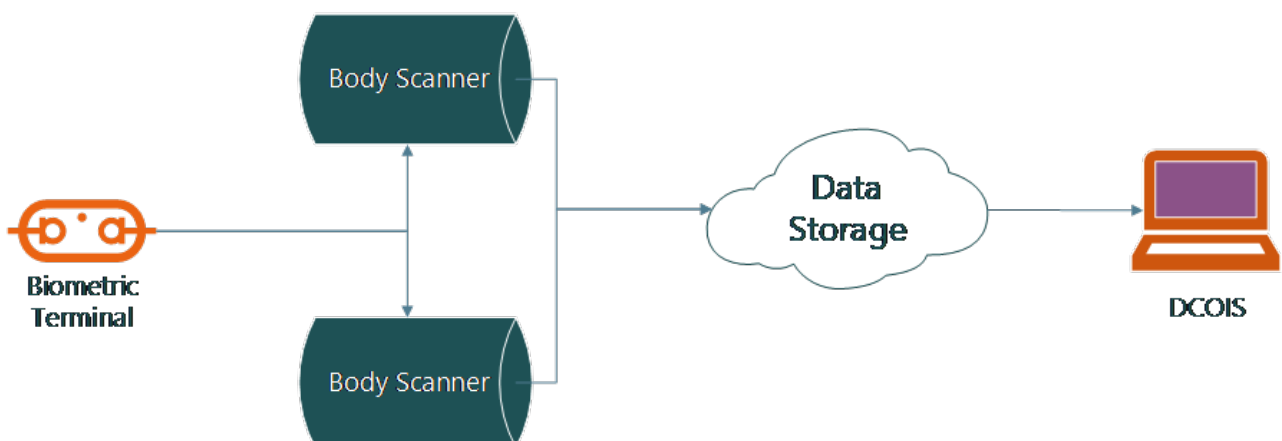
### Data flow

A profile will be created for each young person on the x-ray body scanner. The diagram below shows the data collection pathway from when the machine recognises the young person. The department understands the selected Tek 84 device (see below) has three options to ensure the right young person is being scanned at the right time:

- Palm print
- Facial recognition
- Manual entry of the young person's details by licensed staff.

Manual entry will be the preferred option to avoid any unnecessary capture of young people's images by the device for identification purposes. Scanning officers will need to enter the DCOIS ID of the young person being scanned and confirm their identity via their ID photo and other details that are already held on DCOIS.

Other search particulars required by legislation will be manually inputted into DCOIS in the same way the department currently records partially clothed searches (e.g. name, date, time, search officers, remarks on any discoveries etc.). There will be no requirement to store any additional personal identifying information within the body scanners.



## Personal information

Personal information is defined by the IP Act as:

*“...information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.”*

In accordance with the definition of personal information, the following personal information will be collected when using x-ray body scanners:

### 1. Identification information

The department must collect identification information from the young person prior to an imaging search proceeding. While the Tek 84 machine has biometric identification capability, including palm print and facial recognition, manual verification of identity by a licensed operator is the department's preferred option. The young person's DCOIS ID will be manually populated into the machine to determine whether the young person is within their predetermined annual radiation dosage limit (250  $\mu$ Sv, which is one quarter of the limit permitted in State legislation for any person in Queensland).

### 2. Radiation dosage

The radiation dosage for each individual scan will need to populate a cumulative radiation dosage for each young person over a twelve-month period, where the young person has received more than one scan. For this to occur, the department will need to network the scanning machines across, and within, youth detention centres.

If a young person is transferring from a youth detention centre to an adult correctional facility, cumulative dosage information will need to be shared with Queensland Corrective Services to ensure a young person stays within the annual radiation dosage limit.

The following figure from the Tek84 operating manual shows the young person's personal information and scan dosage details as follows:

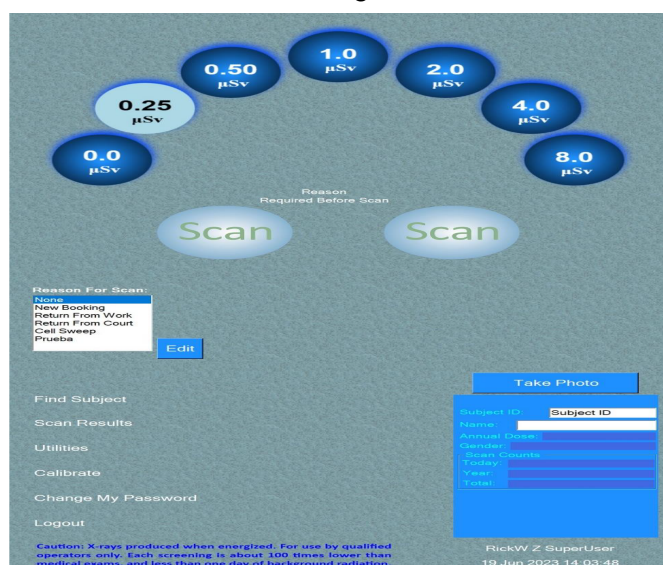


Figure 3-9: Home Screen

### 3. Scan images

An image will be generated by the scanning machine at the completion of each scan. The Tek84 machines can be set to either erase images once the scans have been completed or retain them.



Amendments to the *Youth Justice Regulation 2016* for imaging searches (section 24A) outlines that the department will destroy all scan images as soon as practicable after each search has been completed.

**Figure 2: Example scan image generated by the Tek84 machine**



The department will also ensure that imaging searches are conducted in a way that ensures, as far as reasonably practicable, scanning images cannot be seen by anyone who does not need to see them (e.g. persons in the vicinity of the viewing console, or CCTV operators).



## Personal information flows

<b>Business process/activity</b> (For example, an individual applies for permit or licence)	<b>Components of personal information</b> (For example, name, date of birth, address)	<b>Collection</b> <ul style="list-style-type: none"> <li>• From?</li> <li>• By whom?</li> <li>• How?</li> <li>• Lawful authority (if any)?</li> </ul>	<b>Storage</b> <ul style="list-style-type: none"> <li>• How?</li> <li>• Where?</li> <li>• By whom?</li> <li>• For how long?</li> </ul>	<b>Use</b> <ul style="list-style-type: none"> <li>• By whom?</li> <li>• Why?</li> <li>• When?</li> <li>• How?</li> <li>• Lawful authority (if any)?</li> </ul>	<b>Disclosure</b> <ul style="list-style-type: none"> <li>• By whom?</li> <li>• To?</li> <li>• Why?</li> <li>• When?</li> <li>• How?</li> <li>• Lawful authority (if any)?</li> </ul>
Staff assess that an imaging search of a young person is required.  Staff confirm identification of young person and ensure YP is within radiation dosage limits before proceeding with the imaging search.	Departmental preference is to avoid biometric identification which means young people's DCOIS ID will be stored within the device to allow manual identification of each young person and confirm their cumulative dosage levels before a scan can be initiated.	Licensed search officer collects the young person's name as per s24A of the YJ Regulation and manually enters the data into the Tek 84 device.	The young person's DCOIS ID will be stored in the Tek 84 machine alongside their cumulative radiation dosage level.	Information contained within the Tek 84 is required for configuration and to initiate a scan. Identification and dosage information will be viewed by the search officer in each scan instance.  Only authorised and accredited staff will be able to access information within the Tek 84 machine and operate the machine for imaging searches.	Information may be required to be disclosed to State Regulators for licensing and compliance auditing and oversight agencies for the purposes of inspection.
A scan image is generated from a body scan.	Skeletal, see-through image of persons whole body and internal organs.	Image is generated by the Tek 84 for analysis by licensed search officer.	As per s24A(4) of <i>Youth Justice Regulation 2016</i> , scan images must be destroyed as soon as practicable.  Temporary storage of the image within the Tek 84 may be required for the purposes of viewing and	As per s24A(4) of the YJ Regulations the chief executive must ensure that any image of the child produced by the imaging search— a) is viewed only by a person for the purposes of conducting the search; and b) is not copied; and	Nil disclosure.

			<p>analysing the scan image. The scan is to be deleted as soon as the search officer has completed their review of the image.</p> <p>Configuration of the machine to delete images after a short period of inactivity will be explored.</p>	<p>c) is destroyed as soon as practicable after the search has been completed.</p> <p>Licensed and trained search officers will conduct the body scan and examine the scan images for identification of contraband.</p>	
Data Storage	<p>Young person's DCOIS ID and cumulative radiation dosage to be stored in a network/cloud storage solution to ensure that each imaging search conducted, regardless of YDC location, can populate the young person's cumulative radiation dosage.</p>	<p>Information is collected by licensed search officers and inputted into Tek 84 machine.</p>	<p>Each Tek 84 machine will be networked together via network/cloud storage options.</p> <p>IT/network security requirements are currently being explored.</p>	<p>Only licensed search officers will be able to access information within the Tek 84 machine.</p> <p>Additional data security implications to be considered.</p>	<p>Disclosure of cumulative radiation dosage to be provided to QCS for the purposes of transfer to adult custody.</p>

## Confidential information

The key legislative provisions for handling young people's confidential information are tabled below. The overarching Information Privacy Principles from the *Information Privacy Act 2009* (Qld) are contained in **Appendix A**.

Authority	Reference	Provision
<b>Human Rights Act 2019</b>	Right to privacy (s25)	A young person has the right – (a) Not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with
	Right to access government information (s21)	(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland
<b>Youth Justice Act 1992</b>	Youth Justice Principle 21(e)	A child who is detained in a detention centre under this Act should be given privacy that is appropriate in the circumstances including, for example, privacy in relation to the child's personal information.
	Section 282G Confidentiality of detainee information	(1) This section applies to a person who receives detainee information. (2) The person must not disclose detainee information received by the person to another person other than under subsection (3). Maximum penalty—100 penalty units or 2 years imprisonment. (3) The person may disclose detainee information— (a) for this Act; or (b) to discharge a function under another law or if the disclosure is otherwise authorised under another law; or (c) for a proceeding in a court, if the person is required to do so by order of the court or otherwise by law; or (d) if authorised by the child to whom the information relates; or (e) if reasonably necessary to obtain counselling, advice or other treatment.
	Section 297B Purpose	(1) The purpose of this division is to enable a coordinated response to the needs of children charged with offences. (2) The purpose is to be achieved by providing for an arrangement to be established under which— (a) services provided to the children by particular entities are coordinated; and (b) confidential information relating to the children may be shared between particular entities, while protecting the confidentiality of the information.

	Section 297C Principle for sharing information	<p>(1) As well as the youth justice principles, it is a principle underlying this division that, whenever possible and practical, a person's consent should be obtained before disclosing confidential information relating to the person to someone else.</p> <p>(2) However, this section does not prevent information relating to a person from being disclosed to someone else under this division if the person's consent is not obtained before the disclosure.</p>
	Section 301 Prohibition of publication of identifying information about a child	<p>(1) A person must not publish identifying information about a child. Maximum penalty (subject to part 7)—</p> <p>(a) for an individual—100 penalty units or 2 years imprisonment; or</p> <p>(b) for a corporation—1,000 penalty units.</p> <p>(2) Subsection (1) does not apply to—</p> <p>(a) publication in a way permitted by a court order; or</p> <p>(b) publication under written authority given under subsection.</p> <p>(3) The chief executive may give written authority to a person to publish identifying information about a child if the chief executive is satisfied the publication is necessary to ensure a person's safety.</p>
<b>Youth Justice Regulation 2016</b>	Section 24A Imaging Search	<p>(1) If the chief executive reasonably believes it is necessary for the security of detention centre employees or children in the detention centre, the chief executive may direct a child to submit to an imaging search.</p> <p>(2) Before conducting the imaging search, a detention centre employee must—</p> <p>(a) explain to the child, in a way that is reasonable in the circumstances, the procedure for the search; and</p> <p>(b) ask the child to cooperate with the search.</p> <p>(3) The chief executive must ensure that any image of the child produce by the imaging search is viewed only by—</p> <p>(a) for a child who has an accepted nomination if it is reasonably practicable to comply with the nomination in the circumstances—a detention centre employee of the sex stated in the nomination in accordance with the child's order of preference (if any); or</p> <p>(b) for a child to whom section 11C applies—</p> <p>(i) for a nomination made by the child under that section if it is reasonably practicable to comply with the nomination in the circumstances—a detention centre employee of the sex stated in the nomination; or</p> <p>(ii) otherwise—a detention centre employee who the chief executive considers appropriate to conduct the search; or</p> <p>(c) otherwise—a detention centre employee of the same sex as the child.</p> <p>(4) The chief executive must ensure that any image of the child produced by the imaging search—</p> <p>(a) is viewed only by a person for the purposes of conducting the search; and</p> <p>(b) is not copied; and</p>

		(c) is destroyed as soon as practicable after the search has been completed.
	Section 44 Dealing with confidential information—Act, s289	(1) A person may disclose confidential information relating to a child if the disclosure is to another person and the chief executive is satisfied the disclosure of the information is important to the wellbeing of the child to whom the information relates.

## Privacy impact analysis and compliance check

### Privacy risks

Privacy principles	Proposed information handling practices	Identified risks
<b>IPP1 – Collection: Lawful and Fair</b>		
<b>Collection (IPPs 1 to 3)</b> <ul style="list-style-type: none"> <li>Collect only that personal information necessary for or required to fulfil a purpose that is directly related to a function or activity of your agency.</li> <li>Obtain it lawfully and fairly and in a way that is not unreasonably intrusive into an individual's personal affairs.</li> <li>Inform the individual of what you are going to do with their information, of any applicable law and of any third parties the information will be given to.</li> <li>Take reasonable steps to ensure the information is complete and up to date.</li> </ul>	<p>The chief executive can authorise a detention centre employee to search a child whenever they reasonably believe the child should be searched under s 23 of the <i>Youth Justice Regulation 2016</i>.</p> <p>The chief executive may direct the child to submit to an imaging search under s 24A of the Regulation. The name of the child is collected in order to gauge, and ensure the child does not exceed, the maximum accumulated annual radiation exposure provided for by the <i>Radiation Safety Act 1999</i>. Further, s 27 of the Regulation requires the collection of the name of the child for the purposes of recording the search.</p> <p>Under s 12(1)(i) of the <i>Youth Justice Regulation 2016</i>, the chief executive must collect health information about the child upon admission, may include other necessary particulars under s 12(2), and may update the record to ensure it is accurate under s 12(4). Information regarding radiation dosage could arguably be considered health information and the chief executive is authorised to collect and update this information from time to time.</p> <p>The young person will be informed of the purpose for which personal information will be collected and used, and to whom it may be disclosed in accordance with IPP 2 and s 24 A of the YJ Act. It will be necessary to disclose that the information being collected and used, including the cumulative radiation dosage is being used to ensure they are within the safe radiation limit. The collection notice will be in the form of information posters and routine explanations by licensed search officers.</p> <p>Before the search can be undertaken, the licensed search officer will collect identification information directly from the young person (i.e. ask the young person to state their name if required, so as to confirm their</p>	<p>Risk of miscommunication to young people and risk of non-compliance. Information posters and routine explanations that do not adequately meet the expectations of the IPP, the State Regulator and Human Rights or are provided in a format that young people understand.</p>

Privacy principles	Proposed information handling practices	Identified risks
	<p>identity for scanning purposes – noting their identity will already be known to staff and held on a variety of departmental records in other forms).</p> <p>The information proposed to be collected (name and radiation dosage) is collected and stored for young person's health and safety and is not considered to be an unreasonable intrusion into the young person's personal affairs. Further, the information is being collected for a legislative purpose under s 24 A of the Regulation.</p> <p>Radiation dosage information will be automatically updated by the Tek 84 scanner for each child in every case. The cumulative radiation dosage information will be collected and copied across to the DCOIS search record.</p>	
<p><b>Storage and security (IPP 4)</b></p> <ul style="list-style-type: none"> <li>• Make sure personal information is protected by appropriate security safeguards to prevent it being lost, accessed improperly, misused, modified or disclosed.</li> <li>• If giving the information to a third party, take reasonable steps to prevent its unauthorised use or disclosure.</li> </ul>	<p>As provided under the <i>Radiation Safety Act 1999</i>, a person must not use a radiation source, unless the person is allowed to use it under a use licence. Staff authorised to carry out imaging searches will be provided a licence after receiving accredited training. The department will implement environmental and policy security provisions to ensure unauthorised staff do not have access to view body scan images and that appropriate disciplinary action is enforced if body scan images are misused, improperly accessed or shared. The department will consider screening options and placement of machines to promote privacy. The machine will be turned off when not in use. Additionally, s 24 A safeguards against storage concerns by requiring all images to be destroyed as soon as possible following completion of the search.</p> <p>Young people's personal information will be stored within the machine and on cloud storage, with access to this information restricted to licensed search officers only. To access information within the system, licensed search officers will log in using a unique ID number (granted by each centre's RSO and/or Shift Supervisor with admin access to the scanning system) and will be audited regularly in line with existing departmental guidelines. Existing departmental ICT policies will apply to</p>	<p>Risk of non-compliance of device security by staff including sharing of access controls and improper use of access to obtain information</p>



Privacy principles	Proposed information handling practices	Identified risks
	<p>access and disclosure regarding the body scanning system, to ensure identification and actioning of improper use.</p> <p>Access, confidentiality and information sharing requirements will be incorporated into the training module, with ongoing refresher training provided.</p> <p>Initial and ongoing training will be provided to staff through the Youth Detention Training Academy regarding all aspects of imaging searches, including collection of information, conducting the search, analysing the images for contraband and understanding privacy and disclosure obligations. Training requirements to be determined in consultation with the State Regulator and the manufacturer (Rapiscan) for compliance and accreditation assurances.</p> <p>Personal information will only be accessible via the Tek 84 machine and DCOIS, for any information that needs to manually copied across. Networking the machines will increase information accessibility, increasing the risk of improper use. Additional security considerations will be considered in policy and included as part of training requirements.</p> <p>The department is prevented from retaining body scan images in accordance with s 24 (4) of the YJ Regulation. Training will include resources provided by the manufacturer which will simulate real data and testing.</p> <p>A cloud storage/networking solution has yet to be identified. Storage and security considerations will be assessed as part of the procurement and contract negotiations.</p>	
<p><b>Openness, access and amendment (IPPs 5 to 7)</b></p> <ul style="list-style-type: none"> <li>Inform the public about what types of personal information you hold and how it is used and</li> </ul>	<p>This requirement was previously met by the publication of a Privacy Guide (<a href="http://cyjma.qld.gov.au">Information Privacy Guide (cyjma.qld.gov.au)</a>). However, as a result of the machinery of government change, the department will need to develop its own Information Privacy Guide which sets out this</p>	<p>Risk of lack of transparency. Requirement to progress timely updates to departmental documents to satisfy the existing and new personal information</p>

Privacy principles	Proposed information handling practices	Identified risks
<p>how to request access to or amendment of documents containing their personal information.</p>	<p>information, is published on the department's website and is available in other formats on request.</p> <p>Further, young people could previously make an application to access information under administrative release policy.</p> <p>To ensure the accuracy and currency of information, both the young person and the chief executive are permitted to amend information as per IPP 7 and s 12 of the Regulation, respectively.</p> <p>It is noted that health data, namely radiation dosage will be a new personal information holding for young people. The department's Information Asset Register will be updated in due course.</p>	<p>holdings, and access to information requirements.</p>
<p><b>Use and disclosure (IPPs 8 to 11)</b></p> <ul style="list-style-type: none"> <li>• Use information only for the purpose for which it was collected unless one of the exemptions in the IP Act permits it.</li> <li>• Take reasonable steps to make sure the information is accurate, complete and up to date before you use it.</li> <li>• Only use the parts of the personal information that are necessary to fulfil the purpose.</li> <li>• Do not disclose personal information to anyone other than the individual who is the subject of it, unless one of the exemptions in the IP Act permits it.</li> </ul>	<p>Recording of search information (name and radiation dosage) is required under s 27 of the Regulation. The record will be placed in DCOIS and will include a time and date stamp to allow for review and confirmation that the personal information remains accurate, complete, and current.</p> <p>The name of the young person is static however radiation dosage information will change over time, requiring licensed search officers to take note of the radiation dosage at each scan. This information will be manually copied across to DCOIS. Information inputted in DCOIS can be verified against:</p> <ul style="list-style-type: none"> <li>• the young person who supplied their identification information and</li> <li>• the Tek 84 machine for radiation dosage information</li> </ul> <p>If the information copied across to DCOIS regarding cumulative radiation dosage is inaccurate or incomplete, the young person could receive more than the prescribed annual radiation dosage limit set out by the State Regulator, resulting in health-related consequences for the young person (i.e. radiation poisoning).</p> <p>While scan images will not be retained, it may be necessary to disclose scan data (time, date and item found) and dosage information to another</p>	<p>Risk of information handling issues - manual handling of information can lead to increased risk of inaccurate and incomplete recordkeeping and data errors.</p> <p>Legislative and regulatory compliance risks - information sharing provisions may differ depending on circumstances of third-party disclosure, resulting in uncertainty and under/over disclosure.</p>

Privacy principles	Proposed information handling practices	Identified risks
	<p>detention centre for the same purposes, or to another entity which requires the disclosure by law. The following disclosures may be authorised, for example:</p> <ul style="list-style-type: none"> <li>• to a member of the police service for the purpose of the functions of the police service (s289(b); s289AA YJ Act)</li> <li>• when authorised by a court under s234 YJ Act or in compliance with lawful process requiring the production of documents or giving evidence before a court or tribunal (s289(f)-(g) YJ Act)</li> <li>• when expressly permitted or required under another Act (s289(h) YJ Act) or the regulations (s289(i) YJ Act)</li> <li>• to the child or with the child's consent (s290 YJ Act)</li> <li>• if necessary to ensure a person's safety (s291 YJ Act).</li> </ul>	
<p><b>Transfer of personal information outside Australia (section 33)</b></p> <p>Do not transfer personal information outside Australia unless:</p> <ul style="list-style-type: none"> <li>• the individual agrees to the transfer</li> <li>• there is legal authority for the transfer</li> <li>• it is necessary to prevent or lessen a serious threat to life, health, safety or welfare; or</li> <li>• at least two of the criteria in <u>section 33(d) of the IP Act</u> are satisfied.</li> </ul>	<p>Options will need to be identified in due course if required, including cloud storage by a third party.</p>	<p>Availability of cloud storage option with relevant security requirements. To be explored if required in due course.</p>
<p><b>Use of contracted service providers (chapter 2, part 4)</b></p>	<p>It is expected a third party (service provider) will be engaged under this project for networking body scanner machines, however the service provider has not yet been identified. It is recommended that the service provider, once identified, is bound by a service agreement that sets out</p>	<p>Nil, noting mitigations</p>

Privacy principles	Proposed information handling practices	Identified risks
<ul style="list-style-type: none"> <li>Take all reasonable steps to bind a contracted service provider to compliance with the privacy principles.</li> </ul>	<p>their obligations under Part 1 and 3 of Chapter 2 of the IP Act and confidentiality obligations to ensure compliance with the <i>Youth Justice Act 1992</i>.</p> <p>It is recommended the department conduct a contract review before the documents are issued for the supplier's consideration to ensure the contract adequately addresses the privacy risks of the project and complies with the obligations under the IP Act, YJ Act and YJ Regulation.</p> <p>The service provider for Wacol Youth Remand Centre is being sourced and contracted by Queensland Police Service procurement. DYJVS need to ensure that the contract agreement between QPS and the service provider adequately defines the compliance requirements set out by the IPP and other privacy risks identified by this analysis.</p>	
Other legislative information handling requirements	<p>Division 2 of the YJ Act deals with the preservation of young people's confidential information, with section 289 providing the authority to record, use and disclose such information for a purpose of the Act.</p> <p>There are a range of other provisions for specific contexts, e.g. when sharing information with external youth justice service providers – in that instance, for example, there is a principle that consent to disclosure should be obtained wherever practicable; however, there is no similar stipulation for core administrative information handling under the Act.</p> <p>Divisions 2A, 3 and 4 contain further provisions about when and how information can be disclosed under the Act to other institutions such as courts and police.</p>	Ni, noting mitigations.

## Legislative confidentiality and human rights<sup>1</sup>

Act	Proposed information handling practices	Identified risks
<p><b>Human Rights Act</b></p> <p>Agencies must act compatibility with human rights in the <i>Human Rights Act 2019</i> (Qld) (<b>HR Act</b>), including:</p> <ul style="list-style-type: none"> <li>the human right to privacy (section 25)</li> <li>the human right to access government information (section 21)</li> </ul>	<p>The project is generally compatible with human rights as it seeks to improve the welfare of the young person undergoing a search, in that it is more dignified and less intrusive than other search methods, such as partially clothed searches.</p> <p>While the right to privacy is still infringed by an imaging search, this search option is a more humane limitation of the right to privacy for a child deprived of liberty (s 30) and more compatible with the Schedule 1 Charter of youth justice principles and s 33 of the HR Act.</p> <p>The YJ Regulation sets out the requirement for the destruction of images as soon as possible and the State Regulator requires staff to be licensed and trained in the provision of imaging searches. The department will ensure only authorised and licensed staff conduct imaging searches and view scan images to support compatibility with these rights.</p> <p>The recording of the young person's name is reasonably required for the protection of the child, and the collection and use of this information does not burden the young person any further than what is required for any search.</p> <p>The young person's right to privacy is however burdened further by the provision of health data relating to radiation dosage. This information is collected for the purposes of the</p>	See below table

<sup>1</sup> The analysis of the key rights potentially engaged by the body scanning method and associated data collection processes was conducted with reference to the [Nature and Scope of the Rights](#) guide, Queensland Government 2022.

Act	Proposed information handling practices	Identified risks
	<p>young person's health and safety to ensure they are not exposed to unsafe levels of accumulated annual radiation.</p> <p>The human right to access government information is appropriately limited by the YJ Act and Regulation in that information can be released to eligible entities, in specific circumstances, and to the young person.</p>	

## Risk ratings

#	Identified privacy risk	Consequences for the individual or agency	Likelihood	Risk rating
1	Risk of miscommunication to young people	Moderate	Unlikely	Low
2	Risk of non-compliance with IPP, State Regulator and Human Rights Act	High	Unlikely	Low
3	Risk of non-compliance with device security by staff	Moderate	Unlikely	Low
4	Lack of transparency	Moderate	Unlikely	Low
5	Risk of information handling issues	Moderate	Unlikely	Low
6	Risk of legislative and regulatory non-compliance	High	Unlikely	Low



## Risk mitigation

#	Identified privacy risk	Existing controls that contribute to managing the identified risk	Recommended actions
1	Risk of miscommunication to young people	Legislative provisions	Develop information posters to be placed in the area where imaging searches will take place and information factsheets that are provided to young people that are informative and easy to understand.  Ensure training modules clearly explain the image search process to enable staff to guide and inform young people.
2	Risk of non-compliance with IPP, State Regulator and Human Rights Act.	Legislative provisions  Introduction of Radiation Safety Officer role to review standards of practice relating to imaging searches and ensure compliance with all required privacy, radiation and human rights requirements.	Nil
3	Risk of non-compliance with device security by staff	Existing ICT information security protocols including bi-annual licensing audits and access monitoring.  Device access controls to prevent unauthorised access of information.  Established misconduct referral pathways including escalation to Ethical Standards Group.	Requirement for two search officers to be present at the time of search to increase practice accountability and reduce risk of access and data integrity issues.  Radiation Safety Officer role to include responsibility to audit access and refer data integrity issues for action.
4	Lack of transparency		Progress timely updates to departmental documents to satisfy the existing and new

#	Identified privacy risk	Existing controls that contribute to managing the identified risk	Recommended actions
			<p>personal information holdings, and access to information requirements.</p> <p>Liaise with Privacy Contact Officer to update departmental personal information holdings list to include radiation dosage.</p>
5	Risk of information handling issues	<p>Legislative provisions</p> <p>Data integrity errors in DCOIS can be identified and referenced against the Tek 84 source data.</p>	Work with DCOIS developer to deploy imaging search recordkeeping that supports data integrity and oversight.
6	Risk of legislative and regulatory compliance	Existing department information request protocols.	Ensure staff are aware of information sharing and disclosure provisions.

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

## Outcomes

### Agreed recommended actions

#	Recommendation	Agreed Y/N
1	Develop information posters to be placed in the area where imaging searches will take place and information factsheets that are provided to young people that are informative and easy to understand.	Y
2	Ensure training modules clearly explain the image search process to enable staff to guide and appropriately inform young people.	Y
3	Update search of a young person policy to include requirement for two search officers to be present to conduct an imaging search.	Y
4	Update departmental privacy documents and intranet information about new personal information holdings, and access to information requirements relating to imaging searches.	Y
5	Radiation Safety Officer role to include responsibility to audit device access and refer data integrity issues for action.	Y
6	Liaise with Privacy Contact Officer to update departmental personal information holdings to include radiation dosage.	Y
7	Work with DCOIS developer to deploy imaging search recordkeeping that supports data integrity and oversight.	Y
8	Ensure staff are aware of information sharing and disclosure provisions.	Y

## Action plan

#	Actions to be taken	Responsibility for action	Date for completion
1	Develop information posters and factsheets	YDO	31 March 2025
2	Develop training modules for licensing and accreditation of youth detention staff	YDO L&D	31 March 2025
3	Update search of a young person policy, with consideration of privacy risks, access controls and recordkeeping	YDO	31 March 2025
4	Update departmental privacy documents and intranet information to include new personal information holdings and right to access.	YDO Corporate	31 March 2025
5	Update departmental personal information holdings to include radiation dosage	YDO Corporate	31 March 2025
6	Map responsibilities of Radiation Safety Officer role requirements	RSW	28 February 2025
7	Deploy DCOIS enhancements to enable imaging search recordkeeping	YDO CDSS DCSSDS (Developer)	11 April 2025

## Further enquiries

Business unit:	Youth Detention Operations
Email:	YDCPracticeEnquiries@youthjustice.qld.gov.au
File name / reference:	Privacy Impact Analysis – Body scanners in youth detention centres