

## University of Melbourne

### Procedure on Disclosure of Personal Information to Law Enforcement Agencies

#### Introduction

In relation to law enforcement agencies, such as State or Federal Police, Information Privacy Principle 2 ('IPP 2') of the *Information Privacy Act 2000* (Vic) allows the disclosure of personal information as follows:

"2.1...

*(g) the organisation reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of a law enforcement agency –*

*(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction;*

*(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;*

*(iii) the protection of the public revenue;*

*(iv) the prevention, detection, investigation or remedying of seriously improper conduct;*

*(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal;"*

**NOTE:** The Information Privacy Commissioner's Guidelines require the University to keep a written record of the disclosure of personal information in such circumstances. This record is kept by the Privacy Officer who is the University Secretary.

#### Procedure

This following procedure must be followed by University staff in relation to any requests from the police or other law enforcement agency.

Requests need not be sent to the University Secretary's department for processing. They may be handled by the department concerned provided this procedure is followed.

1. requests must be EITHER on letterhead and signed by an officer of suitable rank OR in an email from an officer of suitable rank that is clearly sent from the law enforcement agency's email address and has sufficient detail to identify the agency and the officer; letters attached to an email are acceptable; suitable rank is Sergeant and above.
2. requests must provide specific detail of the personal information being requested;
3. requests must provide sufficient information to enable the relevant University staff to decide whether or not disclosure is reasonably necessary;

4. decisions about the release or withholding of information must be made by the head of the relevant unit or authorised deputy\* (or by a more senior staff member) taking into account the details of IPP 2 above;
5. following the release of any personal information, a written summary must be provided to the University Secretary (email [privacy-officer@unimelb.edu.au](mailto:privacy-officer@unimelb.edu.au)) and must include the following:
  - a the personal information used or disclosed, with a copy of any material supplied;
  - b the law enforcement agency or agencies and their representatives' names;
  - c the basis of the reasonable belief that the use or disclosure was reasonably necessary, taking care not to prejudice any investigation or proceeding; and
  - d the name and title of the decision-maker.

\* this would normally be a person who has Level 2 budget delegation under University policy: <http://policy.unimelb.edu.au/UOM0100#section-1.3.3>

### **Urgent Requests**

Staff may occasionally receive allegedly urgent requests for personal information.

The *Information Privacy Act 2000* (Vic) permits personal information to be disclosed if the University reasonably believes that the use or disclosure is necessary to lessen or prevent:

- a **serious and imminent threat** to a person's life, health, safety or welfare; or
- a serious threat to public health, public safety or public welfare.

It is not enough simply to be satisfied that disclosing the personal information might be of general benefit to the person. Even when there is such a serious and imminent threat to an individual, we must be convinced that disclosing the personal information will help to lessen or prevent the threat.

If personal information is disclosed in "urgent" situations, a written report must be provided to the University Secretary to include the details in (5) above.

### **Seeking Advice**

If there is any doubt in relation to any request, contact the Privacy Officer for advice at [privacy-officer@unimelb.edu.au](mailto:privacy-officer@unimelb.edu.au)