

## FACT SHEET

### HOW TO RESPOND TO A REQUEST FOR INFORMATION FROM A THIRD PARTY

#### What information is covered by this Fact Sheet?

This Fact Sheet sets out SCU's policy when dealing with any request for information, from outside the University, for *any* information about:

- students
- staff, contractors and visitors, or
- legal or commercial matters.

This Fact Sheet is not about requests for more general information such as curriculum or timetabling information. This Fact Sheet is also not about students making enquiries about their own records.

#### Who might make a request for information?

Many different organisations – and individuals – approach the University for information about students and staff. These include police officers, government agencies like Centrelink, regulators like the Ombudsman, media organisations and parents of students. We might be asked to release information in relation to investigations into missing persons, traffic matters, visa applications or welfare reviews; or to answer questions from parents concerned about their children's well-being.

#### When can I release information on request?

Generally speaking, you can only release information in three circumstances:

##### **# 1: With consent.**

You can release information if you have the consent of the person who the information is about. Consent can be written or verbal, so long as it is specific and clear.

An example is if a staff member is applying for a home loan, and she has given her consent for her supervising manager or HR to tell her bank about her annual income.

##### **# 2: In an emergency.**

You can release information if:

- there is a serious threat to personal or public health or safety, *and*
- the threat is imminent, *and*
- you genuinely believe that your release of the information is reasonably necessary to prevent or lessen the threat.

An example is if a student is actively threatening fellow students with a weapon, and you need to alert police.

##### **# 3: To report a crime.**

You can release information if:

- a student or staff member has been the victim of a crime, and
- we have requested police assistance, and
- releasing personal information to the police quickly (i.e. without waiting for approval) is necessary for the police to investigate the offence.

An example is if quickly giving police a description of a fleeing suspect is necessary so they can try to apprehend the suspect.

#### Why can't I release information in other circumstances?

The University has legal obligations to protect the privacy of individuals, and the confidentiality of commercial matters. We must also consider whether information is subject to legal professional privilege,



copyright or other rules which would restrict its release. Before we release information, we therefore need to check that we will not be breaching any of those obligations.

For example, the privacy laws do allow us to release some information for law enforcement purposes, and for other purposes such as to next of kin on compassionate grounds. However the rules depend on what kind of information it is, and the exceptions are difficult to determine without legal advice. Please contact the SCU Legal Office for more information in this regard.

***It is a criminal offence for you to release personal information without authority.***

By referring all requests for release of information to the appropriate person (see below), we can ensure that we all comply with our legal obligations.

**What should I say?**

Be polite but firm. Say:

*I'm sorry, but I don't have the authority to give out that information. It is SCU policy that all requests for release of information about (students / staff / commercial matters) be made in writing, and \*referred to our Legal Office.*

(However if the request is from the media, say “\*referred to the SCU Head of Communications and Publications” instead.)

**What should I do next?**

Refer the request to the appropriate person, as follows:

Type of information sought	Refer to first	Refer to second (if first person not available)
Request from the media	Head of Communications and Publications	Executive Director, Community and Corporate Relations
Commercial matters	Executive Director, Corporate Services	Legal Office
Information about student/s	Director of Student Services	Legal Office
Information about staff	Director of Human Resources	Legal Office
All other requests (including from police)	Legal Office	Vice Chancellor

**What if I am handed a warrant, subpoena, summons or notice to produce?**

University staff must co-operate with police officers executing a search warrant. Staff must **immediately** notify the SCU Legal Office and seek assistance, and request the officers not to remove any documents until a University Lawyer has arrived.

Subpoenas and other written requests for information should be forwarded to the SCU Legal Office for management. No information is to be produced in response to a subpoena, summons or notice to produce without the approval of the Legal Office. Where possible, University staff should not accept service of any legal documents. The person serving the document (or the document itself if received by mail) should be immediately referred to the SCU Legal Office.

**Where can I find more information?**

If you have any questions, please contact the SCU Legal Office on (02) 6620 3465 or email [legal@scu.edu.au](mailto:legal@scu.edu.au). The SCU *Privacy Management Plan* is available from [www.scu.edu.au/privacy](http://www.scu.edu.au/privacy).