

Information Sheet

How to respond to a request for personal information from a third party

This document provides information about how staff of Southern Cross University (**the University**) must deal with *any* request for personal information from outside the University about:

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

This does not include requests for general information, such as curriculum or timetabling information, or requests from students who want to access their own personal information.

What is personal information?

Personal information is any information that identifies a person and includes:

- Written records which may include name, address or other details about the person;
- Photographs, images, video or audio footage.

Who might make a request for personal information?

A range of organisations and individuals might approach the University for information about students or staff. We refer to these as 'third parties'. These could include insurance agencies, police officers, government agencies such as Centrelink, regulators (for example an Ombudsman) and media organisations. We could be asked to provide information to assist investigations into missing persons, traffic matters, visa applications or welfare reviews. We might also be asked to answer questions from parents of students who are concerned about their child's well-being.

When can I release personal information on request?

Generally speaking, you can only release information to a third party in three circumstances:

(a) With consent

You can release information if you have the consent of the person the information is about. An example would be where staff member has applied for a home loan and has given consent for HR to provide information about their income and employment status to their bank.

Consent can be written or verbal, so long as it is voluntary, informed, specific current, and given by a person with capacity.

(b) In an emergency

You can also 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 release of the information is reasonably necessary to prevent or reduce the threat.

An example might be if a student is actively threatening fellow students with a weapon, and you provide the student's details to the police when reporting the incident.

(c) To report a crime

You can also release personal information to police if you reasonably suspect that a crime has been committed, 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 could be if a student or staff member has been assaulted and you provide the police with the name and address of a fleeing suspect.

Why can't I release personal 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 need to check that we will not breach any of these obligations.

Although privacy laws allow us to release some personal information for limited purposes, such as law enforcement, the exceptions can be difficult to determine. By referring all requests for release of information to the appropriate place (see below), we can ensure that we all comply with our legal obligations. Please contact the Legal Office if you need advice about whether to release information.

What should I say?

If you are asked to provide information, other than in the circumstances described above, be polite but firm. For example, you can say:

I'm sorry, but I don't have the authority to provide that information. All requests for release of information about (students / staff / commercial matters) must be made in writing, and will be referred to our Legal Office (or if the request is from the media, say "*referred to the Media Officer*" 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)
Media Requests	Media Officers	Chief Marketing Officer
Information about staff	Human Resources	Legal Office
All other requests (including from police)	Legal Office	Office of the 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 Legal Office, and request the officers not to remove any documents until a University Lawyer has arrived.

Subpoenas and other written requests for information must be forwarded to the 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 Legal Office.

Where can I find more information?

If you have any questions, please refer to the University's [Privacy Management Plan](#) in the first instance, or contact the Legal Office on (02) 6620 3465 or email privacy@scu.edu.au.