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| **Disclosure of Prisoner/Offender Information** |
| **Section** | 2. Prisoner Management |
| **CR Number** | 2.4.3 | **Current Issue Date** | September 2021 |
| **Legislation & Policy**  | Corrections Act 1986Privacy and Data Protection Act 2014Health Records Act 2001Charter of Human Rights and Responsibilities Act 2016Gender Equality Act 2020 |
| **Standard** | Prisoner Administration Services - Prisoner Records Management |
| **Attachments** | Handling Enquiries about Prisoners and Offenders |
| **Forms** | Authority to Exchange Information |

1. **PURPOSE**

To define procedures for the release of information relating to a prisoner or offender that complies with the *Corrections Act* 1986, the *Privacy and Data Protection Act* 2014, and the *Health Records Act* 2001.

1. **REQUIREMENT**
	1. Information relating to a person's imprisonment, or an offender's supervision in the community, must only be disclosed in accordance with legislation and policy.
	2. In the event of doubt relating to a proposed information disclosure, the request for information must be referred to the location Manager who may seek advice from Corrections Victoria Head Office on 1300 191 835, or the Department of Justice & Community Safety’s Information and Privacy Unit (8684 0178 or privacy@justice.vic.gov.au).
	3. Privacy complaints or potential privacy breaches, including the unauthorised or inappropriate disclosure of prisoner/offender or staff information, are to be reported within 24 hours of identification by an appropriate manager to the Deputy Commissioner, Custodial Operations, and the Manager, Information Privacy Unit as outlined in Commissioner’s Requirement 1.3.5 – Notification of Privacy Complaints and Alleged Privacy Incidents.
2. **GUIDING PRINCIPLE**

The disclosure of information relating to prisoners and offenders is legislated by the *Corrections Act* 1986 and the *Privacy and Data Protection Act* 2014.

1. **CONTEXT**
	1. The *Corrections Act* defines “confidential information” to include information that identifies the prisoner or discloses his or her address or location and, information from which the identity of any other person (for example, a person related to the prisoner), or their address or location can be reasonably determined.
	2. Enquiries seeking information about a person’s circumstances, including confirmation of imprisonment or location, and complaints or concerns regarding a person’s safety, welfare or placement, are received daily. They originate from a wide range of sources, including the family and friends of prisoners and offenders, legal representatives, government and community agencies, financial institutions and the media. Many enquires are for the purpose of visiting the prisoner, corresponding or establishing imprisonment or placement on supervision in the community.
2. **INSTRUCTION**
	1. **Requirements**
		1. Unless authorised within this Commissioner’s Requirement, inquirers should be advised that information about a prisoner's circumstances constitutes confidential information under part 9E of the *Corrections Act* and cannot be disclosed.
		2. In such cases, callers should be invited to write to the prisoner c/- Corrections Victoria, GPO Box 123, Melbourne VIC 3001, which will forward the correspondence to the appropriate business unit or location.
		3. Urgent requests can be referred to Corrections Victoria, Head Office on 1300 191 835 or via email to corrections@justice.vic.gov.au. Corrections Victoria staff are authorised to assist an inquirer by describing the reception sequence (e.g. all male prisoners are generally received at the Melbourne Assessment Prison, Metropolitan Remand Centre or Ravenhall Correctional Centre, and all females at the Dame Phyllis Frost Centre) and allaying any immediate concerns by advising that reception prisoners are medically assessed upon entry with any pre-existing conditions and medical requirements identified. This is particularly important for first-time inquirers who may not have any knowledge of, or prior involvement with, the correctional system.
		4. Where the circumstances of an inquiry make it unclear if a caller can be provided information, they should be directed to Corrections Victoria, Head Office.
		5. Media enquiries regarding the circumstances of a prisoner or offender should be directed to the Media Unit in the Strategic Communication Branch on 8684 0313.
		6. Media representatives seeking access to prisoners or offenders for purposes of media reporting must submit their request to the Deputy Commissioner, Custodial Operations or as outlined in Commissioner’s Requirement 1.4.6 - Media Access.
		7. Prisoners are not generally permitted to correspond with members of the media unless under exceptional circumstances and with approval of the General Manager.
	2. **Prisoner Information – Imprisonment**
		1. The imprisonment of a person can be confirmed or denied as this information is the result of public court proceedings and is in the public domain.
		2. Such disclosure does not require verification of the identity of the person making the enquiry or any assessment of the reason for the enquiry (telephone inquiries accepted).
		3. Care must be taken to ensure that no additional information is inadvertently provided, including the prisoner’s or offender’s current location.
	3. **Prisoner Information – Location Requests**

| **Requesting entity** | **Minimum requirement to support request** |
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| Prisoner's legal representative | A written request on the letterhead of a legal firm stating that they act on behalf of the prisoner (fax/email acceptable). |
| Person instructed by a court or the Adult Parole Board to prepare a report on a prisoner | Presentation of a copy of the request for such a report (fax/email acceptable). |
| Any person | Written consent from the prisoner authorising the disclosure of their personal affairs or;Nominated as that prisoner's emergency contact or next of kin on PIMS / E\*Justice or; Listed on the visitors list for that prisoner on PIMS. |
| Police officer, including an officer of the Federal Police, or other state or territory police force | The request must be submitted in writing on letterhead if the positive identity of the requesting individual is not confirmed (fax/email acceptable). |
| Officer of a state or federal court |
| Officer of the federal Attorney General’s Department |
| Officer of the Office of Public Prosecutions |
| Contractor providing correctional services under the Corrections Act |
| Officer of the Juvenile Justice Branch of the Department of Families, Fairness and Housing  |
| Officer of the Prisoner Healthcare Unit of the Department of Health  |
| Officer of an interstate correctional jurisdiction |
| Officer of the Department of Immigration, Multicultural and Indigenous Affairs |
| Officer of the Human Rights and Equal Opportunity Commissioner |
| Officer of the Equal Opportunity Commissioner (Victoria) |
| Officer of the Privacy and Data Protection Commissioner (Victoria) |
| Representative of the Victorian Ombudsman or Independent Broad-based Anti-corruption Commission |
| Victoria Legal Aid solicitor employed under the Bail Advocacy and Support Services Program |
| An officer of Centrelink | A written request on official letterhead (fax/email acceptable). |
| An officer of the Australian Tax Office |
| An officer of the Department of Families, Fairness and Housing or Department of Health |
| Foreign Consulate  |
| Other Government agency | Refer to Corrections Victoria, Head Office(03) 1300 191 835 or direct the agency to email corrections@justice.vic.gov.au. |

* + 1. The Corrections Victoria Intelligence Unit (CVIU) has unique responsibilities with respect to information collection and disclosure, as part of its intelligence operations. The sharing of information between CVIU and law enforcement agencies in this respect is predominantly authorised under the *Corrections Act* 1986 as part of the officer’s official duties.
		2. General staff who receive enquiries about the release of information to law enforcement agencies should refer these enquiries to the local Prison Intelligence Unit (PIU) or centrally to CVIU.
	1. **Prisoner Information – Location Requests & Service Deliveries**
		1. Community agencies may be advised of a prisoner or offender’s location where the enquiry relates to the official duties of the officer, for example delivery of a service to the prisoner or offender, or where the disclosure is necessary to lessen or prevent a threat to life, health, safety or welfare of any person (section 104ZY *Corrections Act* 1986). Some agencies that may request location information include:

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| **Requesting entity** | **Minimum requirement to support request** |
| Victorian Association for the Care and Resettlement of Offenders (VACRO) | A written request on letterhead if the positive identity of the requesting individual is not confirmed (fax/email acceptable).Where it is unclear if the enquirer is entitled to be advised of a prisoner's location, they may be referred to Corrections Victoria, Head Office 1300 191 835.  |
| Australian Community Support Organisation (ACSO) |
| Jesuit Social Services (Brosnan Centre) |
| Australian Vietnamese Women's Welfare Association (AVWWA) |
| Prison Fellowship |
| Prison Network Ministries |
| Salvation Army |
| Enmaraleek Association |
| Melbourne City Mission |
| South Eastern Alcohol & Drug Service (formerly WDAS) |
| Job Futures Ltd |
| Victorian Aboriginal Legal Services (VALS) |

* 1. **Authority to Exchange Information**
		1. Requests to provide information regarding a prisoner’s individual circumstances such as their placement or sentence management information, involvement in incidents, urinalysis results, date of imprisonment and release, the nature of their charges/offences, criminal history, sentence length, parole eligibility, engagement in Forensic Intervention Services, prisoner property, post-release accommodation, or any other information that is personal in nature or relating to their imprisonment may be facilitated only if the prisoner has provided consent to Corrections Victoria which names the enquirer as someone authorised to make such enquiries.
		2. Requests to provide information regarding the specifics of an offender’s individual circumstances such as their urinalysis results, the nature of their charges/offences, criminal history, engagement in Forensic Intervention Services, accommodation, or any other information that is personal in nature or relating to their order may be facilitated only if the offender has provided consent to Corrections Victoria which names the enquirer as someone authorised to make such enquiries.
		3. Prisoners and offenders can complete an Authority to Exchange Information (ATEI) to authorise a specific person(s), lawyer/solicitor/legal firm, or organisation to enquire into their circumstances and allows Corrections Victoria to share requested information. The ATEI:
* should specify what type(s) of information the prisoner allows Corrections Victoria to share
* must be kept on file at the prison or Community Correctional Services location and a copy scanned and emailed to the Operations Directorate, Corrections Victoria, Head Office.
	+ 1. A prisoner or offender may alternatively provide their authority to a person by outlining this in a signed and dated letter.
		2. A prisoner or offender may also complete an ATEI template provided by another organisation if they consent to that organisation requesting information from Corrections Victoria. Prisons and Community Correctional Services staff may retain a copy of this ATEI and refer to it in the same manner as Corrections Victoria’s ATEI.
		3. An ATEI will expire when the prisoner is released from prison or when an offender’s engagement with Community Correctional Services has ceased. If the prisoner or offender returns to prison or is further engaged with Community Correctional Services, a new ATEI should be obtained and retained on file.
		4. Where a prisoner or offender provides an ATEI which does not outline the specific information that can be released, the ATEI is considered to be all encompassing.
		5. Prisons or Community Correctional Services are expected to edit the letterhead of Form 1 to reflect their location and contact details.
	1. **Prisoner and Offender Information Requests – Other than location**
		1. The placement of a person under supervision in the community can be confirmed or denied by any Corrections location as it is the result of public court proceedings and is in the public domain. Such disclosure does not require verification of the identity of the person making the enquiry or any assessment of the reason for the enquiry (telephone inquiries accepted).
		2. Information must not be provided in those cases where a person is only performing community work in lieu of the non payment of a fine, including persons performing community work under the Custodial Community Permit Program (CCPP), as this order may not have been made in an open court.
		3. Care must be taken to ensure that no additional information is inadvertently provided, including an offender's address, the name of their reporting location, or other contact details unless it is authorised under part 9E of the *Corrections Act* or required under other legislation.
		4. Victoria Police requests to interview a prisoner must be sent to intel@justice.vic.gov.au and all other Victoria Police requests for information to ics-prisonsintelligence-oic@police.vic.gov.au.
		5. A prisoner or offender’s legal representative has authority to enquire into certain matters without presenting the written consent of the person. Legal representatives should be directed to enquire via email to corrections@justice.vic.gov.au.
		6. Information relating to the personal affairs of an offender or prisoner may be disclosed if the disclosure is reasonably necessary for the performance of the official duties of a relevant person outlined in section 104ZY of the *Corrections Act* 1986. Instances of disclosure of personal information authorised under the Act include:
* If the disclosure is to the Department of Families, Fairness and Housing and the information is reasonably necessary to ensure the proper care, treatment or housing of a person who is likely to be provided with services on behalf of that Department;
* If the disclosure is to the Department of Home Affairs of the Commonwealth and the information is reasonably necessary for the purposes of determining the eligibility of a prisoner or former prisoner to remain in Australia;
* If the disclosure is to the Commonwealth Services Australia and the information is reasonably necessary for the purpose of determining the eligibility of a prisoner or former prisoner to receive Commonwealth payments or allowances;
* If the disclosure is to the National Disability Insurance Agency or any person or body who delivers services or advice in relation to the National Disability Insurance Scheme and the information is reasonably necessary to support the determination of eligibility for the National Disability Insurance Scheme or for planning and provision of supports through the National Disability Insurance Scheme.
	1. **Enquiries by Victims**
		1. The *Corrections Act* does not authorise information regarding a prisoner's location to be provided to a victim of the prisoner.
		2. However, information regarding a prisoner's sentence, release date and details (including an escape or death), may be provided to a registered victim of a prisoner, but not by Corrections Victoria staff.
		3. Registered victim enquirers should be referred to Victims of Crime (1800 819 817) and all other enquiries to the Manager, Operations Directorate, Corrections Victoria.
	2. **Disclosure of personal information relating to staff**

5.8.1 In dealing with enquiries from the public relating to the personal information of a staff member, such as the staff member’s appointment (responsibility) and business contact number, such information requests are to be redirected to the staff member’s manager for consideration and management.

5.8.2 Any other personal information, such as home addresses, specific leave arrangements or shift start and end times, and other personal and health matters must not be disclosed to a member of the public. If a staff member is not at work to receive an enquiry that concerns them, their non-availability can be communicated, and the enquirer re-directed to contact an alternative staff member or manager.

* 1. **Subpoenas**

5.9.1 A subpoena is an order issued by a court to provide specific files or documents, or attend the court and give evidence about a matter. A subpoena must be formally served and name a specific person or office holder.

5.9.2 Any staff member who receives a subpoena to provide documents or information should immediately refer the matter to Corrections Victoria, Head Office, Sentence Calculation and Warrant Administration Unit (SCWA) Unit who may liaise with the Office of the General Counsel or the Victorian Government Solicitor’s Office.

* 1. **Maintaining records of information disclosures**

5.10.1 Corrections Victoria staff must maintain a record of information disclosed in response to a request, detailing what information was released, when and to which individual or agency. This record becomes an official government record and is subject to the requirements of the *Public Records Act* 1973.

* 1. Any information released to outside agencies by the CVIU must be recorded in the CVIU Information Release Register. The nature of the enquiry, the requester details, and the authorising officer approving the release of information must be recorded in the register.
	2. **Further Information**

For further information regarding the disclosure of information relating to prisoners and offenders, contact Corrections Victoria, Head Office (03) 1300 191 835.

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| Larissa Strong**Acting Commissioner** |

**Information below this point is administrative supporting detail**

 **only and not subject to Commissioner’s review or approval.**

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| **Acronyms** |
| ACSO | Australian Community Support Organisation |
| ATEI | Authority to Exchange Information |
| AVWWA | Australian Vietnamese Women's Welfare Association |
| CCPP | Custodial Community Permit Program |
| CVIU | Corrections Victoria Intelligence Unit |
| PIMS | Prisoner Information Management System |
| PIU | Prison Intelligence Unit  |
| SCWA | Sentence Calculation and Warrant Administration |
| SESG | Security and Emergency Services Group |
| VACRO | Victorian Association for the Care and Resettlement of Offenders |
| VALS | Victorian Aboriginal Legal Service |

| **Definitions** |
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|  | Nil |

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| **Associated Commissioner’s Requirements** |
| 1.3.1 - Incident Reporting 1.3.5 - Notification of Privacy Complaints and/or Alleged Privacy Breaches1.4.6 - Media Access |

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| **Document Detail** |
| Title: | Disclosure of Prisoner/Offender Information |
| Owner: | Manager, Operations Directorate |

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| Version | Date | Description |
| V6 | Sep-21 | Update |
| V5 | Dec-20 | Update |
| V4 | Aug-20 | Update |
| V3 | Sep-16 | Update |
| V2 | Sep-14 | Update & Amalgamation of DCI 9.07 |
| V1 | Nov-02 | First Issue |

Handling Enquiries about Prisoners and offenders

| **Information Sought** | **Person Making Enquiry** | **Can information be provided?** |
| --- | --- | --- |
| **Prisoner enquiries** |  |
| Is John Citizen in prison? | General public | The imprisonment of a person can be confirmed or denied as this information is in the public domain.However, Corrections Victoria does not disclose or comment on the prisoner’s incarceration details (such as sentence length or next court date) to the general public.Do not comment on any previous corrections history. |
| Which prison is John Citizen in? | Person on prisoner’s Visitors list.Emergency contact personPerson who provides a written consent from a prisoner | Yes. After verifying caller’s identity by checking caller’s full name, date of birth, address and Visitor’s Registration Number (VRN).  |
| Prisoner’s lawyer/legal representative | Yes. Once lawyer has provided their authority to act for the prisoner by providing an appropriate declaration on their firm’s letterhead or by email. |
| General public | No. They may write to the prisoner:c/- Corrections VictoriaGPO Box 123Melbourne VIC 3001 |
| Person ordered by the court or Adult Parole Board to prepare a report | Yes, upon presentation of a copy, including by facsimile, of the request for such a report. |
| Other Government agencies Federal or State  | Refer them to Corrections Victoria, Head Office:1300 191 835 |
| Am I on John Citizen’s visitor list? | General public | Verify identity – caller’s full name, date of birth, VRN and inform caller whether or not they are on the visitor list.**Do not disclose the names of other persons on the visitor list.** |
| When can I visit? | Approved visitors | If they are on the visitors list the visiting times applicable for the prisoner can and should be provided.  |
| Persons not on approved visitors list | Advise caller they are unable to visit until they are on the approved visitors list. This is something the prisoner initiates. They should write to the prisoner:c/- Corrections VictoriaGPO Box 123Melbourne VIC 3001 |

| **Information Sought** | **Person Making Enquiry** | **Can information be provided?** |
| --- | --- | --- |
| **Prisoner enquiries** |  |
| Can I visit John Citizen on a particular day (e.g. Monday, Tuesday Wednesday, Weekend) | Approved Visitor | If they are on the list staff can confirm whether or not the prisoner is approved to have visitors on that specific day. Staff can also comment on the visit duration time and whether the visit will be a contact or non contact visit. |
| Persons not on approved visitors list | Advise caller they are unable to visit until they are on the approved visitors list. This is something the prisoner initiates. They should write to the prisoner:c/- Corrections VictoriaGPO Box 123Melbourne VIC 3001 |
| Why is John Citizen in prison? | General public | No information is to be provided.  |
| Is John Citizen being moved to another prison? | All persons | No information is to be provided. Corrections Victoria does not comment on the possibility of future prisoner moves. |
| When and what time is John Citizen being released? | All persons | No information is to be provided. Callers should be advised to write directly to the prisoner and ask him/her about release date. |
| Victims | All enquiries from self identifying victims should be referred to Victims of Crime:1800 819 817 |
| **Offender enquiries** |  |  |
| Is John Citizen on a court based order?  | General public | Staff can confirm or deny if a person is on a court based order as the information is in the public domain.However, Corrections Victoria does not disclose or comment on an offender’s court order details (such as order conditions and reporting requirements) to the general public.Do not comment on any previous corrections history. |
| Any other information regarding John Citizen’s order including conditions, when the order was completed, location, appointment times etc? | General public | Corrections Victoria does not disclose an offender’s court order details to the general public. |
| Who is John Citizen’s CCO/officer? | General public | Corrections Victoria does not disclose an offender’s case manager to the general public. |
| **Any** question from  | Government agencies, legal bodies or law enforcement agencies  | Refer them to Corrections Victoria Head Office:1300 191 835 |

**To be placed on letterhead**

**AUTHORITY TO EXCHANGE INFORMATION**

I authorise Corrections Victoria (amend if from a private prison) to release information relating to me (specified below) to agencies and/or people listed on this form. I understand that this authority is valid until my release from prison, or until my written withdrawal of this authority.

**Full name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date of birth** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CRN/JAID** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Tick here if you authorise Corrections Victoria to share this information with a nominated agency/person
– you may select multiple:**

* Prison location
* Criminal history and/or current charges
* Date of imprisonment and release
* Post release accommodation
* Engagement in education, employment and/or prison programs
* Engagement in Forensic Intervention Services
* Prisoner property
* Sentence management and placement
* Prison incidents and/or prison charges
* Post sentence matters – Parole, CCS or post sentence orders
* All personal and correctional information
* Other (please specify)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **I agree for Corrections Victoria (amend if from a private prison) to share the above information with:**

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(Print name and organisation, if applicable)

**Signature** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_