

Victoria Police Manual – Procedures and Guidelines

External information disclosure

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- VPMP Information sharing
- VPMP Information access
- VPMP Appropriate use of information

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Documenting release

- In accordance with **VPMP Information sharing**, Work Unit Managers must ensure that the requests for, and external release of any Victoria Police information must be formally documented.
- The documentation is to capture sufficient information relating to who, what, when, where, why and how information/data/documents were released and on whose authority.
- Written requests for Victoria Police information are to justify that the information sought is reasonably necessary for a particular purpose and what legislation or agreement facilitates the release.

- To prevent unreasonable delays, Victoria Police information relating to court processes may be released without a written request. However, such information that is released without the receipt of a written request is to have a follow up record outlining the decision to release the material.
- The employee releasing the information is to advise the recipient that they:
 - are responsible for the security of the information
 - are required to provide the same level of security protection assigned by Victoria Police,
 - are to manage the information securely and not release it to any other individual or organisation without prior approval from Victoria Police.

2. Unlimited public release

Victoria Police information that is suitable for unlimited public release is to be reviewed and approved. Refer to **VPMG Public information release**.

3. Release of statistics

Victoria Police statistical information may only be released to other organisations in accordance with **VPMG Release of statistics**.

4. Security classified information

- Before releasing any Victoria Police information, the employee sharing the information is to ensure that the other party is aware of any security requirements and is able to facilitate appropriate storage and handling of the information, having regard to **VPMP Information sharing**, **VPMP Information use, handling and storage** and **VPMP Information review, retention and disposal**.
- The following table outlines authorisation requirements for sharing of protectively marked and security classified material.

Marking	Authorisation
Public Domain	No additional authorisation required
• Unclassified <i>DLMs only of:</i> • For Official Use Only • Sensitive • Sensitive: Legal • Sensitive: Personal	The originating workplace may authorise the release of material marked at this level in accordance with this guideline or other applicable VPM document.
• PROTECTED and/or • DLM of Sensitive: Cabinet	An Inspector or VPSG-5 from the originating workplace
• CONFIDENTIAL • SECRET • TOP SECRET	A Superintendent or VPSG-6 and above from the originating workplace

- An employee of a lower level may be granted authority to release security classified information providing this authority is in writing and specifies the employee's work unit, the reason for the authority and the scope of the authority including the security classification levels for which the authorisation applies.

5. Authorising release

5.1 *Issues to be considered when authorising information release*

Victoria Police employees authorising the release of Victoria Police information should consider the following issues:

- **Compromise** – DO NOT share information if there is a possibility of compromising a current investigation or prosecution. Consideration is also to be given to Public Interest Indemnity – Will the release divulge police methodology, capability, future focus or identify the source of information.
- **Authority** – Does the employee have the ability to authorise the release
- **Relevance** – The relevance of the information, the intent of the information sharing and the intended recipient
- **Ownership** – Information obtained from another organisation is not to be disclosed unless authorised by the originating organisation.

For example, CAD data (Refer **VPMG Release of corporate statistics**).

In the case of VicRoads data information obtained from VicRoads through LEAP, including car and /or licence checks etc. is not to be disclosed to a third party including other law enforcement agencies unless it is required for Victoria Police to perform its law enforcement functions and activities:

- to locate missing persons
- to locate the next of kin of an individual who has suffered injury or death
- to conduct a check on the wellbeing of an individual
- in circumstances where the operation/investigation is a joint operation/investigation with another law enforcement agency including an interstate jurisdiction
- if the relevant information is used and disclosed in accordance with s.306(2) of the *Marine Safety Act 2010* or
- if the use and disclosure is otherwise required or authorised by law, e.g. another Act, warrant or subpoena

Note: Supplying VicRoads data obtained through LEAP to another agency for their own investigations is not permitted. e.g. the council seeking names and addresses for vehicles that have been towed. Refer to the VicRoads

Information Protection Agreement outlined under s.90K, *Road Safety Act 1986*).

- **Sensitivity** – It is paramount that Authorised Users always consider the sensitivity and any legislative requirements for the information.

For example, information regarding victims of sexual assault or information regarding children, reporters or caregivers under the *Children, Youth and Families Act 2005*

- **De-identify/Vet/Redact** – Ensure any non-relevant information is removed from information that is to be released, e.g. victim, co-offender or witness names or other defined personal or health information related to another person that may appear in a summary or in audio. Refer to **VPMG Information privacy**.
- **Notifications** - When releasing personal or health information to a statutory body (for example Australian Health Practitioner Regulation Agency) for the purposes of their specific law enforcement function, it is recommended that police inform the victim or witness of the intended disclosure, preferably prior to disclosure.

5.2 Information not specifically covered by legislation or policy

- Information sharing that is not specifically covered by relevant legislation, and/or VPM policies and guideline procedures may be considered for releasing if it is:
 - not personal or health information **and**
 - not security classified or protectively marked **and**
 - for legitimate community safety reasons or law enforcement purposes.
- As required by **VPMP Information sharing** the release of the information is to be recorded and authorised. The other party is to be informed that the information is not in the public domain and must be ensured against unauthorised access.

6. Common release situations

- The following tables provide guidance on common request/release situations. If the information is security classified, the authorisation levels detailed in section 3 supersede the authorisation levels in the following tables.
- For brief/investigation information refer to the following table for information categories, relevant considerations (in addition to those detailed in section 5) and authorisation levels required for release.

Level	Categories	Authorisation	Additional considerations
Level One – Compellable Release	- Summary of Charges - Incident Report – L1 - Charges	Release with approval from SERGEANT or Above	N/A
Level Two – If person charged	- Witness List - Emails - Exhibit List - Correspondence - Witness Statements - Memorandums - Running Sheets - Further LEAP forms - Daybook Notes - Diagrams - Diary Notes - Maps - Reports - Further brief documents	Release with approval from SENIOR SERGEANT / OIC or Above	- Extra consideration to relevance & censorship - Does the external party really need this document - Can the external party get the information required from category one documents
Level Three – If person not charged	- Record of Interview (audio & transcription) - Photographs - Video footage - Any other documents not listed	Release with approval from INSPECTOR or Above	- Highest consideration to relevance & censorship - Does the external party really need this document - Can the external party get the information required from category one or two document
Level Four	Information sought outside the scope of the above material (documents), should be referred to the Freedom of Information Unit for assessment.	Release with approval from Freedom of Information Unit	Refer to the <i>Freedom of Information Act 1982</i>

- The table below provides details of common specific requests or scenarios for information requests.

Source or type of request	Conditions or procedures for release
Government departments or statutory bodies Interstate and International Law enforcement agencies	• Information may be released: - when there is specific legislation that supports or requires release of the information - when there is an applicable Policy - if personal or health information, when release is in line with the <i>Privacy and Data Protection Act 2014</i> or <i>Health Records Act 2001</i> • For further guidance, refer to the Privacy Information sharing guide
Court related requests: • Pre-hearing disclosure • Subpoenas • Civil litigation matters	• Members must give a defendant specific information gained during the course of an investigation in line with pre-hearing disclosure provisions in Part 3.2, Division 2, <i>Criminal Procedure Act 2009</i>; see VPMP Briefs of evidence • Personnel must advise the Subpoena Management Unit when they receive a request or subpoena to give evidence and/or produce documents; see VPMP Court processes • Requests for information relating to civil litigation matters is to be referred to Civil Litigation Division
Criminal justice matters: • Statements • Victims	• Persons who have made a written statement to police are to be supplied with a copy upon request • Victims of crime must be provided with certain information; see VPMP Victim support
Accident and property records	• Under the <i>Victoria Police Act 2013</i>, vehicle collision information may be disclosed to certain persons; see VPMP Release of accident and property records

Source or type of request	Conditions or procedures for release
Insurance agency interviews	• Individuals or organisations requesting information or interviews regarding insurance matters or a reported traffic or industrial accident are to be referred to the Regulatory Services Department (RSD) in accordance with VPMG Release of accident and property records • Victoria Police employees are under no obligation to comply with requests to be interviewed by insurance representatives • Requests to interview Victoria Police employees regarding civil matters may only occur with approval of the Local Area Commander in line with VPMP Civil proceedings • An Inspector or above or Sub-officer (or their appointed representative) is to be present at the interview. The member may answer questions in relation to facts presented in the LEAP incident report, and is not to give any personal views on the matter. Fees are applicable under r.4 <i>Victoria Police (Fees and Charges) Regulations 2014</i>
Police histories and criminal records	• Requests for details of an individual's police record/criminal history for employment, licensing/registration or voluntary service purposes is to be referred to the Public Enquiry Service, RSD; see VPMG Release of police records
Local Government and Non-Government Organisations (NGOs – eg Salvation Army)	• Information may be released: - when there is specific legislation that supports or requires release of the information - when there is an applicable Policy - if personal or health information, when release is in line with the <i>Privacy and Data Protection Act 2014</i> or <i>Health Records Act 2001</i> • For further guidance, refer to the Privacy Information sharing guide or specific policy instruments such as VPMG Family violence or VPMG Animals • Non-personal information relating to issues, risks and events that has not been released into the public domain may be considered for disclosure if it is for a demonstrated law enforcement and/or community policing purpose - See section 4.2

Source or type of request	Conditions or procedures for release
Media requests	• Refer to VPMG Release of information to the media • Requests for non-public domain documents, interviews or footage – refer to the FOI office for assessment and authorisation; see VPMG Release of information to the media • Requests for police training videos – consult the Educational Media Unit, People Development Division, People Department and obtain approval from the Department Head • Request for Agency photographs (mugshots) under Part 10 Division 3 – Agency photographs of the <i>Victoria Police Act 2013</i> – refer requests to the Media Unit having regard to the process in VPMG Release of information to the media
Police publications	Release of specific Victoria Police publications are to be authorised by the originating work unit. Advice and authorisation can also be sought from the following areas: • Corporate publications – Media and Corporate Communications • Policy documents and manuals – Corporate Policy, Corporate Strategy and Governance • Training documents and manuals – People Development • Other publications – Freedom of Information Unit
Requests for PSC investigation information	Refer to VPMP Complaints and discipline
Requests from researchers	Refer to VPMG Research
Request by External Bravery Agencies: • Royal Humane Society of Australasia • Australian Bravery Decorations Council	• Nominees consent must be obtained before their personal information can be released. • Refer to VPMG Recognition of courage and exemplary service.

Source or type of request	Conditions or procedures for release
Other requests for non-public information	Refer requests to the FOI Unit for assessment and authorisation.

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact Protective Security.

Update history

Date of first issue	15/10/13	
Date updated	Summary of change	Force File number
01/07/14	Legislative references updated due to commencement of Victoria Police Act 2013.	FF-079620
06/07/15	Inclusion of information release conditions for External Bravery Agencies.	FF-078509
07/12/15	Legislative reference update to <i>Privacy and Data Protection Act 2014</i> .	FF-096355
18/01/16	Disclosure of data and information to third parties between Victoria Police and VicRoads	FF-094433
15/02/16	Minor updates to recent policy amendments	FF-094433
25/03/19	Administrative amendments to reflect name change from IMSSD to Protective Security.	FF-139207
12/09/2023	Administrative amendment to reflect change from Records Services Division to Regulatory Services Department.	N/A