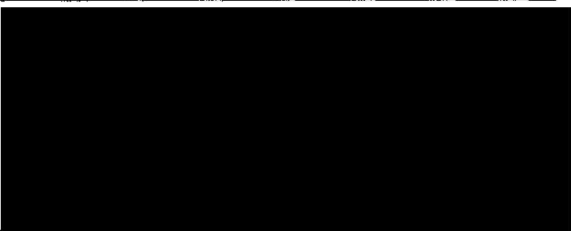


**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

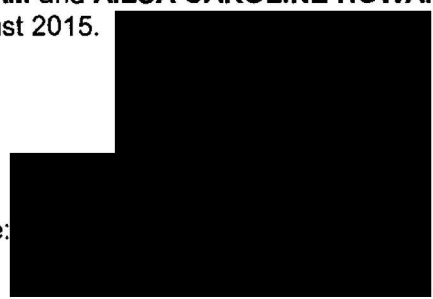
**ATTACHMENT WS AH-4 TO JOINT STATEMENT OF ASSISTANT COMMISSIONER
WENDY MAREE STEENDAM AND SENIOR SERGEANT AILSA CAROLINE HOWARD**

Date of document: 3 August 2015
Filed on behalf of: the Applicant
Prepared by:
Victorian Government Solicitor's Office
Level 33
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Melbourne VIC 3000



This is the attachment marked 'WS AH-4' produced and shown to **WENDY MAREE STEENDAM** and **AILSA CAROLINE HOWARD** at the time of signing their Joint Statement on 3 August 2015.

Before me:



An Australian legal practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

Victoria Police Manual – Policy Rules

Information sharing

Context

Effective policing relies on Victoria Police to communicate and share information internally and with a wide range of external partners. Information sharing:

- can help to deliver improved public services
- leads to an increased openness among partners, which, in turn builds confidence and trust in Victoria Police
- is a two-way process that enables links to be made between people, objects, location and events that would not be possible otherwise
- enables partners to make informed decisions about how best to protect the public.

However, sharing must always be justified through legislation or a genuine policing requirement and must occur through approved and/or legal avenues to ensure that the disclosure is appropriate and legitimate. Consideration must also be given to the maintenance of broader security and privacy principles when sharing information.

Inappropriate sharing could result in serious consequences for Victoria Police and the public including loss of life, denial of access to information sources or failure of prosecutions.

Victoria Police regards breaches or violations of this policy and/or the misuse of its information resources and privileges as particularly serious and may lead to disciplinary consequences, and possible charges under sections 227 and 228 of the *Victoria Police Act 2013*.

The Information sharing policy provides the Victoria Police rules for the appropriate release or disclosure of information, in line with the **Victoria Police Information Management Principles**, the **Public Records Office of Victoria (PROV) Standards**, the **Australian Government Protective Security Policy Framework (PSPF)**, the **Australian Government Information security manual (ISM)** and the **Commissioner for Law Enforcement Data Security (CLEDS) Standards**.

The *Victoria Police Act 2013* prohibits current and former police employees, contractors and service providers, from disclosing police information if it is their duty not to disclose the information. Breaches or violations of this policy and/or the misuse of information resources and privileges are particularly serious and may lead to management or disciplinary action, or charges under sections 227 and 228 of the *Victoria Police Act 2013*.

Application

Policy Rules are mandatory and provide the minimum standards that employees must apply. Non-compliance with or a departure from a Policy Rule may be subject to management or disciplinary action. Employees must use the Professional and Ethical Standards to inform the decisions they make to support compliance with Policy Rules.

These Policy Rules apply to all Authorised Users and the scope of this policy applies to sharing of all types of Victoria Police information, including through written (hard copy and electronic) documents, information systems and verbal communication, both internally and externally to Victoria Police.

Rules and Responsibilities

1. Overview

1.1 Principles

- Information sharing should occur in line with the Victoria Police information Management principles:
 - establishing a policing purpose and a legal avenue is the basis for sharing police information
 - policing requires information to be shared within Victoria Police, with partner agencies or organisations and with the public
 - sharing of information must occur via official police systems commensurate with the classification, sensitivity and risk profile of the information
 - Victoria Police should actively seek to share unclassified non-personal information with the community.

1.2 Fundamental Rules

- Authorised Users are only given authority to share Victoria Police information by:
 - relevant legislation
 - VPM policies and guideline procedures.
- Authorised Users must only share information under this authority if:
 - the information is within their area of responsibility **and**
 - the recipient has a legitimate official need for the information **and**
 - the recipient meets the protective security requirements for the information (if applicable).

1.3 *Methods of Sharing*

- The method of sharing information is dependent on the:
 - operational circumstances or situation
 - role of the employee
 - security classification of the information, any DLM or caveat on the information
 - reason for sharing.
- Formal sharing must occur through official police systems. Official police systems for sharing information include IT applications, IT infrastructure and/or processes for the physical movement and handling of physical objects such as paper documents, files or portable computer media.
- Refer to **VPMP Information use, handling and storage** for instructions on approved methods of transfer for protectively marked or security classified information and use of DLMs and caveats.

1.4 *Internal Sharing*

- Sharing of information within Victoria Police is essential to daily operation of Departments and individual work units. Sharing of Victoria Police information internally should occur in accordance with approved processes and be commensurate with the security classification of the information.
- Information collected or held by individual employees of Victoria Police is to be accessible only to those who have an appropriate 'need to know'. The need to know principle extends to employees who require the information to assist in performing legitimate work duties.
- Refer to **VPMP Information categorisation, collection and recording** and **VPMP Information use, handling and storage**.

1.5 *Use in Victoria Police training*

- Victoria Police information may be used to facilitate operational training, either in the workplace or through formal courses. The use of Victoria Police information for training purposes must comply with **VPMP Appropriate use of information, VPMP Digital asset management** and **VPMP Conducted energy devices**.
- Audio/Visual recordings of interviews or events may be viewed by participants, but should not be available for download. Reference to showing the footage is to be included as part of the records of the training presentation/content.
- Excluding workplace integrated learning programs managed by People Development Command, any event details or scenarios based on real

incidents or investigations must be from finalised cases. Live data/systems, not including those specifically designed for training purposes, are not to be used for systems training or demonstrations.

1.6 Formal arrangements

- A formal arrangement (such as a Memorandum of Understanding) between Victoria Police and external organisations may be used (but is not mandatory) to facilitate appropriate information sharing.
- A formal arrangement may assist by detailing the nature of the relationship and requirements regarding the authorised access and release of Victoria Police information.
- The need for any formal arrangement must be assessed in the first instance by the Commercial Law Unit as required by **VPMP Formal arrangements with external organisations**.

1.7 Security Classified Information

- Sharing of security classified information must only occur with appropriate authorisation as detailed in **VPMG External information disclosure** and the following table:

Marking	Authorisation
Public Domain	No additional authorisation required
<ul style="list-style-type: none"> • Unclassified <i>DLMs only of:</i> <ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • PROTECTED and/or • DLM of Sensitive: Cabinet 	An Inspector or VPSG-5 from the originating workplace
<ul style="list-style-type: none"> • 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.

2. Disclosure of information to individuals or third parties

2.1 *Recording of release*

The release of Non-Public Domain Victoria Police information outside of Victoria Police must be recorded. The method of recording is situation or process specific, but may include correspondence registers, database logs, diary entries or filing hardcopies of email on a corporate file.

2.2 *Personal information*

- Information relating to individuals (including Victoria Police employees) must only be disclosed if:
 - the disclosure relates to the primary purpose for which the information was collected
 - the disclosure is for a related secondary purpose and the individual would reasonably expect Victoria Police to use or disclose the information for the secondary purpose
 - the individual has consented to the disclosure
 - the disclosure is required by law
 - the disclosure is for law enforcement activities or community policing functions, or in accordance with any other exemption provided under the *Information Privacy Act 2000* or the *Health Records Act 2001* (refer to **VPMG Information Privacy and Privacy Information Sharing Guide**).
- See **VPMG Personnel records** for details on accessing and releasing personnel records, and **VPMP Personnel security** for the requirements for handling personal information obtained for a security clearance.

2.3 *Requests for interviews*

- Providing interviews to external parties increases the risk to Victoria Police employees of breaching their information security and privacy responsibilities.
- Authorisation and interview requirements are dependant on the requestor and topic. Specific guidance on interview requests is contained in the following documents.

Request type / Topic	Relevant guidance
Individuals or organisations regarding a reported traffic or industrial accident	VPMG Release of accident and property records
Media organisations	VPMG Release of information to the media
Individuals or organisations regarding a civil matter	VPMG Civil proceedings

Research requests	VPMG Research
Insurance agency interviews	VPMG External information disclosure

2.4 *Employers or regulatory authorities*

- In certain circumstances, it may be in the public interest for a member to disclose to an employer or regulatory authority that an employee or member has come under police notice.
- Members must have regard to **VPMG Notification of offences** and **VPMG Information privacy** when deciding whether to disclose such information.

2.5 *Corporate Statistics*

- Corporate statistics are those obtained from:
 - Crime Statistics and Reporting System
 - Member Activity Sheet
 - Collision Management and Information System
 - Computer Aided Dispatch
 - Fixed Penalty Payment System
- Victoria Police employees must not release or comment on corporate statistics unless this is in accordance with **VPMG Release of statistics**.

2.6 *Media*

- Victoria Police information must not be released to the media, formally or informally, unless the release is in compliance with all of the requirements of **VPMG Release of information to the media**.
- Prior approval from the Media Unit is required for release of:
 - photographs or computer generated images of suspects or victims
 - any information regarding escapees or absconders
- Prior consultation with the Media Unit is required for incidents that:
 - attract major media interest, eg. SOG deployment; fatal collision; homicide
 - are of Force wide significance, eg. critical of the organisation or police members; questioning processes
 - have wider than local area impact
 - likely have other PSAs / Regions also commenting on the same issue
- The Media Unit must be used for distribution of photographs, computer generated images (FACE), sketches, video tapes and audio tapes.

- Names or photographs of missing persons must only be released after approval from next of kin, relative or concerned person on an 'Authority for Media Release information or image of missing person' [Form 1410].

3. Sharing information with other agencies

Sharing of information internally and with partner agencies is essential for the core functions of Victoria Police.

3.1 Other emergency services

- Where police and other emergency services are in attendance at operational incidents, information relating to that incident may be exchanged.
- Personal and health information gained from emergency services must not be passed onto third parties except where necessary for law enforcement or as specifically provided for in the *Health Records Act 2001* or other relevant legislation.
- In accordance with **VPMP Operational duties and responsibilities**, incidents requiring information sharing with other emergency services are to be recorded.

3.2 Other government agencies or statutory authorities

- Information may only be shared with other government agencies if it is in accordance with section 1 of this policy.
- Details of what information can be shared and appropriate approval is included in relevant policies and guidelines, such as (but not limited to):

personal or health information	VPMG Information privacy and the Information Privacy Sharing guide
traffic incident details	VPMG Release of accident and property records
reporting to medical authorities	VPMG Notification of offences
release to RSPCA inspectors	VPMG Animals
release of sex offender information	VPMG Registered sex offender management
release of criminal histories	VPMG Release of police records and criminal histories
reporting of child in need of protection	VPMG Protecting children
reporting personal details of nominees for bravery awards	VPMG Recognition of courage and exemplary service

4. Sharing information with the public

The Victorian Government requires the release of some government data and information through the *Freedom of Information Act 1982* (FOI Act) and the DataVic Access policy (DVAP). Victoria Police may also choose to release information of interest to the public into the public domain.

4.1 *Freedom of Information (FOI)*

- FOI supports the principles of open and accountable government by providing the public with a right to access information held by the public sector, including the right to access and update their personal information. Limitations are imposed on this right to protect public, personal and commercial interests.
- The presence or absence of protective markings (in the form of Disseminating Limiting Markers or Security Classifications) does not affect a document's status under the FOI Act.
- On receipt of a request from the FOI office, personnel must make a diligent search and supply all documents or information requested within the required timeframe.
- Information must not be edited before being given to the FOI office. It is the responsibility of the FOI office to apply the various exemption provisions within the FOI Act.
- If the requested information has been destroyed the employee is to provide a copy of the destruction authorisation in accordance with **VPMP Information review, retention and disposal**.
- If the requested information existed but is unable to be located, a security incident should be reported in accordance with **VPMP Protective security incident reporting and management**.
- Further guidance on the FOI process for Victoria Police is provided on the FOI intranet pages.

4.2 *Release of information into the public domain*

- Victoria Police may release information of public interest into the Public Domain.
- Whilst a significant amount of information held by Victoria Police is not suitable for public release, Information Owners should identify datasets or other information that may be suitable for public access.

- Victoria Police is to release data suitable to be used and reused by the community and businesses in accordance with the DVAP standards and guidelines as approved by the Assistant Treasurer of Victoria.
- Final approval for the unlimited public release of information is required from the Director, Media and Corporate Communications Department.
- Further guidance on the public information release process within Victoria Police is provided in **VPMG Public information release**.

Quick Links

- [VPMG External information disclosure](#)
- [VPMG Information Privacy](#)
- [Privacy Information Sharing Guide](#)
- [VPMG Release of information to the media](#)
- [VPMG Release of statistics](#)
- [VPMG Release of accident and property records](#)
- [VPMG Release of police records and criminal histories](#)
- [VPMG Public information release](#)
- [VPMG Personnel records](#)
- [VPMG Notification of offences](#)
- [VPMG Civil proceedings](#)

Further Advice and Information

For further advice and assistance regarding these Policy Rules, contact the Information Management, Standards & Securities Division.

Update history

Date of first issue	15/10/13	
Date updated	Summary of change	Force File number
01/07/14	Legislative reference updates due to the commencement of the Victoria Police Act 2013.	069562/11
11/05/15	Changes related to the use of digital media in training	FF-092590
06/07/15	Inclusion of sharing personal information with other agencies for nominees of bravery awards.	FF-078509