



Disclosure of Information to Prisoners – Procedures

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1. Purpose

These procedures support and operationalise [Policy Directive 6 – Access to Information](#). They aim to provide clear directions and standards to assist staff and govern the release of information to prisoners.

2. Scope

These procedures support and operationalise [Policy Directive 6 – Access to Information](#) and apply to both public and private prisons.

3. Definitions and acronyms

Designated Superintendent	The Superintendent as defined in s 36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part IIIA of the Prisons Act 1981 . This definition does not include the Officer in Charge of a prison (see 'superintendent').
Prison based records	Records held at the prison concerning the prisoner making the request. These records do not include medical records, community correction records, psychological records or records pertaining to treatment programmes.
SHU	Special Handling Unit
superintendent	As defined in s 36 of the Prisons Act 1981 and refers to either a designated Superintendent or the Officer in Charge of a prison at a particular time.
TOMS	Total Offender Management Solution offender database

Procedures

4. Documentation available to prisoners

Copies of the following documents shall be provided to prisoners as stipulated in relevant instruments as stated below, and shall not require further assessment in accordance with these Procedures. These include:

- Sentence Summary Sheet (produced from TOMS) detailing a prisoner's expected date of discharge or earliest eligibility date (refer r 51, [Prisons Regulations 1982](#)) or Reception History Sheet (produced from TOMS)
- gratuities transactions, levels of labour allocated (refer r 51, [Prisons Regulations 1982](#)) and private cash account details (produced from TOMS)
- prisoner property (inventory) as produced from TOMS (refer r 51, [Prisons Regulations 1982](#)) or Police inventory P10.
- Form 1 – Body sample certificate as specified in r 27, [Prisons Regulations 1982](#).
- Regime for separate confinement as specified in [Adult Custodial Rule 1 – Management of Prisoners in Confinement](#), or Special Handling Unit placement as specified in [Adult Custodial Rule 2 – Placement of Prisoners in the SHU](#), or s 43 placement as specified in [Policy Directive 1 – Section 43 Placement](#) or observation or medical observation cell placement as specified in [Policy Directive 11 – Prisoners Placed in Observation and Medical Observation Cells](#).
- Loss of Privilege Report (report from TOMS) as specified in [Adult Custodial Rule 3 – Privileges](#).
- Assessment and sentence management documentation as specified in [Adult Custodial Rule 18 – Assessment and Sentence Management](#), [Policy Directive 78 – Parole](#), [Policy Directive 82 – Prisoner Movements](#) and [Policy Directive 85 – Prisoner Reception](#) and r 51, [Prisons Regulations 1982](#), including Orders or decisions of the Prisoner Review Board, Bring Up Orders, Remand Warrants and Warrants of Commitment.
- Primary or Regular Contact Reports (within restrictions specified) in accordance with [Policy Directive 51 – Case Management](#).

5. Requests for prison based records

Note: This section does not apply to medical records, Community Corrections records, psychological reports or programme reports. These records are dealt with in procedures outlined later in this document.

5.1 Current prisoners

- 5.1.1 Prisoners may be provided with the information outlined in [Section 4](#) upon request or as a matter of course as stipulated in other instruments.
- 5.1.2 Designated Superintendents must delegate one or more staff members (of or above the rank of Senior Officer) to oversee all requests other than those outlined in [Section 4](#).
- 5.1.3 Subject to the following exceptions, only the delegated member(s) as defined in Section 5.1.2 above are to authorise the release of information to prisoners:

- Requests made by prisoners located in the Special Handling Unit (SHU) must be approved by the SHU Committee (unless the prisoner is also subject to the Public Protection Strategy).
 - Requests made by prisoners located in the SHU, who are also subject to the Public Protection Strategy, are to be directed to the Public Protection Review Committee via the Coordinator Operational Support together with a recommendation from the SHU Committee.
 - Requests made by prisoners subject to the Public Protection Strategy who are not located in the SHU are to be directed to the Public Protection Review Committee via the Coordinator Operational Support.
- 5.1.4 Designated Superintendents must ensure that the Manager Information Release is kept up to date with the name(s) and title(s) of the delegated staff member(s) as defined in [Section 5.1.2](#) above.
- 5.1.5 Before approving access to information, the delegated member(s) as defined in [Section 5.1.2](#) above or SHU committee member(s) must be satisfied that the request is genuine and that release of the information does not pose a risk to staff, prisoners or any other person.
- 5.1.6 [Appendix 1 – Information Release Assessment Tool](#) provides an assessment tool to assist with identifying potential risks and is to be followed for all requests for information under this Section before the release of information. Appendix 1 also outlines the actions to be taken once the assessment has been completed. This process is to be followed for all requests for information. If documents cannot be released in accordance with the assessment tool, the request is only then to be referred to the [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons.
- 5.1.7 Where information from TOMS (that has been assessed as suitable for release using Appendix 1) is available in both the ‘Administration’ and ‘Offender’ version, only the ‘Offender’ version is to be provided to the prisoner.
- 5.1.8 [Appendix 2 - Record of Documents Released](#) must be completed for each request.

If there is any uncertainty about the release of information, advice should be sought from the Manager Information Release.

5.2 Ex-prisoners

All requests from ex-prisoners for prison based records should be referred to the Manager Information Release.

6. Requests for Community Corrections records

Prisoners may make requests through a Community Corrections Officer who will progress the request in accordance with their prescribed procedures ([Adult Community Corrections Handbook, Chapter 19, Protocols in Working with Community Offenders](#)) or depending upon the location of the records, may forward the request to the Manager Information Release.

7. Requests for medical records

7.1 Current prisoners

Medical information is usually shared with prisoners during the course of a consultation with the prisoner concerned.

All formal requests for documentation are to go through the [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons.

7.2 Ex-prisoners

Where the request is made by a former prisoner they should be encouraged to make the request through their health care provider, who can contact the dedicated DCS helpline (1800 077 735). This will ensure a rapid release of medical documentation.

In the event that this option is not possible, requests may be made in writing to the [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons.

8. Requests for psychological records

Requests made by prisoners for access to their psychological records are to be directed to the [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons (refer [Section 10](#)).

For psychiatric reports, refer to [Section 7](#).

9. Requests for program reports or counselling records

9.1 Cognitive Brief Intervention (CBI) program completion reports are routinely provided to prisoners upon the completion of the program (within 6 weeks of the program's completion).

9.2 In the event a prisoner wishes to obtain a copy of a CBI report more than 6 weeks after the course's completion, the following shall apply:

- For courses completed prior to 1 June 2014, requests are to be forwarded to Freedom of Information (via [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons).
- For courses completed after 1 June 2014, prison officers are to email Offender Services at '[OSD Info Sys](#)' and supply the name of the prisoner, TOMS ID number and approximate course completion date.

9.3 Requests for copies of any other program reports, or access to information contained within counselling records are to be forwarded to the FOI Branch for prisoners at public prisons, or via the relevant FOI officers at private prisons.

10. Freedom of Information requests

10.1 Freedom of Information (FOI) application forms ([Freedom of Information - Application to Access Documents](#)) shall be forwarded to the delegated member(s) as referred to in [Section 5.1.2](#) of this Policy Directive.

10.2 As prescribed in [Section 8](#) above, requests from prisoners for access to their psychological records are to be directed to the [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons.

- 10.3** All other FOI applications from prisoners must first go through the delegated member(s) to assess whether the information may be released at a local level. Refer to [Appendix 1 – Information Release Assessment Tool](#).
- 10.4** Using [Appendix 1 – Information Release Assessment Tool](#), if the documentation sought includes any of the below information, the request is to be re-directed to the [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons:
- The personal details of staff, other than the names of staff who have undertaken routine operational duties and no risk presents from release of the information. Note: Routine operational duties may include where a staff member makes a recommendation or approves a report relating to a prisoner's level of supervision or cell placement.
 - The personal details of victims.
 - The personal details of other prisoners or third parties and the release of the information may affect the safety or security of the prison, community, party discussed or any other person.
 - Intelligence related information, including Incident / Security Reports.
 - Information that if released, may affect the safety and security of the prison.
 - Details of violent or sex related offence(s).
- 10.5** FOI applications must be forwarded immediately to the Department of Corrective Services' [FOI Branch](#) for prisoners at public prisons, or via the relevant FOI officers at private prisons in order to ensure that statutory time limits are met after being assessed in accordance with [Section 10.3](#) above, if documents cannot be released at the local level.

If there is any uncertainty about the release of information, advice should be sought from the Manager Information Release.

11. Appendices

Appendices referred to throughout these Procedures:

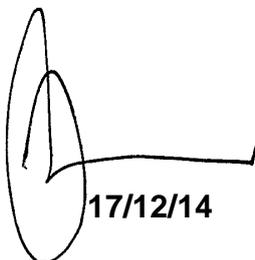
[Appendix 1 – Information Release Assessment Tool](#)
[Appendix 2 – Record of Documents Released](#)

Useful contact information can be found at [Appendix 3 – Relevant Contacts](#).

12. Approved

Commissioner or delegated authority as per Policy Directive 6

Signature:

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Date:

17/12/14

13. Amendment history

Version	Approved	Effective from
1. First published as: Schedule of documents available to prisoners outside FOI - Appendix 1	N/K	14 May 2001
2. Divided into 2 appendices – this one and ‘Disclosure of Information to Third Parties – Procedures’	13 January 2014	29 January 2014
3. Amended	17 December 2014	29 December 2014