



Youth Custodial Rule 601

Access to information pertaining to detainees

Legislation referred to: [Freedom of Information Act 1992](#)
[Young Offenders Act 1994](#)
[Young Offenders Regulations 1995](#)
[Inspector of Custodial Services Act 2003](#)

1. Purpose

The [Freedom of Information Act 1992](#) provides the public with a general right of access to State and Local government documents. It also provides a means for individuals to access and correct personal information that is inaccurate, incomplete and out of date or misleading. This Rule provides clear principles in relation to the release of information pertaining to detainees. Standing Orders will give effect to this Rule. Youth Custodial Services (YCS) staff must adhere to the statutory obligations as per s 17 of the [Young Offenders Act 1994](#) and ss 47 and 48 of the [Inspector of Custodial Services Act 2003](#).

2. Scope

This Youth Custodial Rule applies to all YCS staff, volunteers and contractors and should be read in conjunction with all relevant Youth Custodial Rules, Standing Orders and Departmental policies and procedures.

3. Principles

- 3.1 No person shall divulge any information to any other person except as allowed for under the [Young Offenders Act 1994](#).
- 3.2 A detainee shall not have access to any other detainee's file or personal record, or the contents of any such file or personal record.
- 3.3 YCS staff will not make any comment to any person either verbally or in writing concerning any detainee or ex-detainee, except in connection with the normal discharge of duty or with the approval of the Superintendent or their delegate.
- 3.4 Written reports pertaining to any detainee or ex-detainee, which are used in any judicial proceedings, shall not be released, except by order of the Court.
- 3.5 Written reports regarding a detainee shall be:
 - factual, verifiable and justifiable
 - objective and the matters are supported by facts
 - clear and concise and relevant to the subject
 - inclusive of all the issues.

3.6 The Superintendent or their delegate shall respond to any official enquiry made by authorised persons including but not limited to:

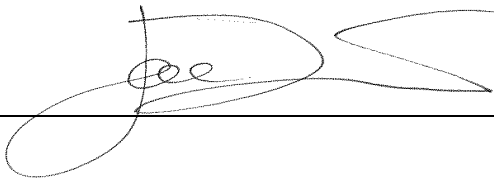
- Parliamentary Commissioner for Administrative Investigations – the Ombudsman
- Office of the Information Commissioner
- The Inspector of Custodial Services
- President of the Children’s Court.

Approval

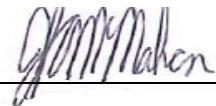
Rule made pursuant to Section 181 (1) of the *Young Offenders Act 1994* and *Young Offenders Regulations 1995*, by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister for Corrective Services.

On the 13th day of March 2014

Minister



Commissioner



On the recommendation of the Deputy Commissioner Youth Justice Services and the Director Youth Custodial Services.



**Deputy Commissioner
Youth Justice Services**



**Director
Youth Custodial Services**

Version history

Version	Approved	Effective from
First published as Juvenile Custodial Rule 601 - Access to Information Pertaining to Detainees	25 April 2001	25 April 2001
Rule amended	17 July 2008	17 July 2008
Renamed – Youth Custodial Rule 601 - Access to information pertaining to detainees	27 August 2012	27 August 2012
Rule updated and procedural detail moved to Standing Orders	13 March 2014	5 May 2014