



Commissioner's Instruction

No: 1/2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Management of court/police cell locations

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

This instruction replaces Commissioner's Instruction 13/2011 which is hereby rescinded.

To ensure consistency of operations between court/police cell locations, the Assistant Commissioner, Security and Intelligence, through the General Manager Court Escort Security Unit, is responsible for coordinating operations, policy and procedures.

A draft Memorandum of Understanding between CSNSW and NSW Police outlines CSNSW obligations in relation to the acceptance of offenders from NSW Police and their management whilst in CSNSW custody.

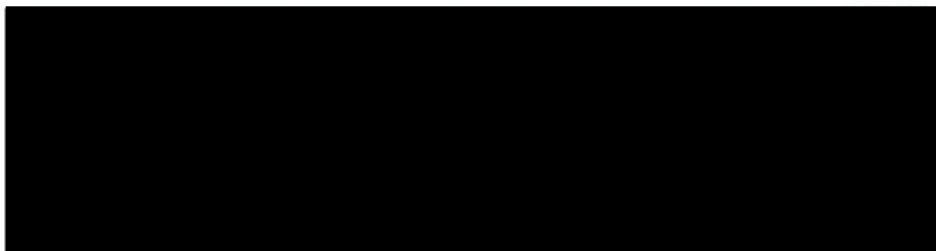
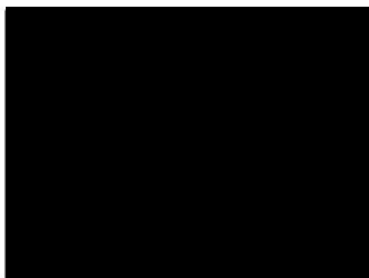
General Managers are not to issue any local directions regarding operations, policy or procedures in court/police cell complexes without first consulting with the Assistant Commissioner Security and Intelligence. In addition to ensuring consistency between locations, this will ensure that local decisions do not have unforeseen implications for other locations or NSW Police.

Accordingly, General Managers and Officers in Charge of court/police cell locations are to ensure that the following directions are complied with, and to rescind any conflicting local directions:

1. No offender suffering from a serious observable injury or illness is to be accepted by CSNSW staff unless proper medical attention has first been obtained (by Police) and/or the offender has been evaluated by a medical practitioner (or other person qualified to make the necessary medical evaluation) as being fit to be retained in custody at a police station.

Court/police cell staff are not to refuse to accept offenders on the grounds of mental health issues, nor to require Police to obtain a mental health clearance before accepting any offender.

2. Where an offender is grossly intoxicated or affected by drugs, or suspected to be so intoxicated or affected by the senior correctional officer on duty, the Police will ensure that the offender is medically examined to determine their fitness to be transferred into Corrective Services' custody at a police station.
3. Court/police cell locations do not have "catchment areas". Staff in the metropolitan area are not to refuse offenders "outside their catchment areas" in accordance with Commissioners Memo 2009/58.
4. No restrictions (except for those detailed in points 1 and 2 above) are to be placed on the reception of Form 7 inmates. Staff in 24 hour court/police cell locations are required to accept Form 7 inmates 24 hours per day, 7 days per week.
5. Under no circumstances are court/police cell location staff to refuse an inmate from Police outside of these guidelines.
6. NSW Police have advised that during CSNSW B Watch hours, they will make contact with OICs of 24 hour court/police cell locations to advise them in advance of the intention to lodge a form 7 assessed by NSW Police as "at risk".
7. General Managers responsible for 24 hour court/police cell locations are to make local arrangements to call in any additional staff required should a Form 7 inmate at risk of suicide or self harm be received during the B Watch (when the Roster Support Unit is unavailable to call in staff).





Commissioner's Instruction

No: 2/2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Privacy Notice to be issued to offenders

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment and Management Act 2002*.

Background

To effectively carry out its functions and duties, it is necessary for Corrective Services NSW (CSNSW) to collect personal and health information from offenders and any other person within its jurisdiction.

To comply with the relevant privacy legislation, CSNSW must issue the attached Privacy Notice titled "Privacy and You" at "**Appendix A**" to offenders at the first instance of collecting their personal information. The purpose of the Privacy Notice is to advise offenders of specific matters in relation to the collection of their personal and health information.

The Privacy Notice only needs to be issued to offenders once. It is not necessary for it to be issued each time the offender has contact with CSNSW. Nevertheless, for ease of processing the standard intake process for offenders will include the issuing of a Privacy Notice, regardless of whether or not the offender has been in custody before. The fact the Privacy Notice has been issued will be recorded on one occasion only in OIMS.

Under section 10 of the *Privacy and Personal Information Protection Act 1998* (PIIP Act) and clause 4 of Schedule 1 to the *Health Records and Information Privacy Act 2002* (HRIP Act), if a public sector agency collects personal or health information from an individual, the agency must take such steps as are reasonable in the circumstance to ensure that, before the information is collected or as soon as practical after collection, the individual to whom the information relates is made aware of specified matters.

Section 10 of the PPIP Act provides that the specific matters that an individual must be informed of include:

- (a) *the fact that the information is being collected;*
- (b) *the purposes for which the information is being collected;*
- (c) *the intended recipients of the information;*
- (d) *whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided;*
- (e) *the existence of any right of access to, and correction of, the information;*
- (f) *the name and address of the agency that is collecting the information and the agency that is to hold the information.*

Clause 4 of Schedule 1 to the HRIP Act contains a similar requirement in relation to the collection of health information.

The PPIP Act defines “personal information” to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, and includes such things as name, alias, date of birth, address, physical descriptions, fingerprints, ethnic or racial backgrounds, languages spoken, religious beliefs, employment history, income, finances and intelligence information. Section 4 of the PPIP Act contains the full definition of personal information.

The HRIP Act defines “health information” to mean information or an opinion about the physical or mental health or a disability of an individual and includes details of medical conditions, self-harm attempts, psychological and psychiatric tests and reports. Section 6 of the HRIP Act contains the full definition of health information.

INSTRUCTION

The Privacy Notice must be issued to all offenders receiving the services of CSNSW and related records must be made in the Offender Integrated Management System (OIMS).

Offenders include: inmates, detainees and trainees in a correctional centre, a transitional centre, a residential facility or any other facility operated by CSNSW and offenders serving a sentence in the community or subject to a court order, warrant or direction involving CSNSW.

The process for issuing the Privacy Notice varies according to the circumstances.

Issuing the Privacy Notice to existing inmates

Correctional Centre

The Privacy Notice must be issued to existing inmates in correctional centres as follows:

1. the Privacy Notice must be issued to existing inmates on **7 May 2012** (‘issuing date’);
2. the time of when the Privacy Notice will be issued to inmates on the issuing date, will be at the discretion of correctional centre management;
3. on the issuing date, staff of the Sentence Administration Unit (SAU) of each correctional centre must generate the OIMS report “Gaol List of Inmates and Wing” (‘Gaol List report’) which will include the name of every inmate in custody on that day;
4. the Gaol List report must be provided to wing officers, who are responsible for issuing the Privacy Notice to inmates;
5. on the Gaol List report, the wing officers must:

- tick the name of those inmates who have been issued with the Privacy Notice and;
 - highlight the names of those inmates who have not been issued with the Privacy Notice.
6. the completed report must be returned to the SAU for data entry in the OIMS as set out in paragraphs 8-9;
 7. on the issuing date, the "Privacy Notice Issued" field located on the "Intake" screen under the "Personal Information" will be ticked "Yes" for all inmates in custody on that day;
 8. the staff of the SAU must un-tick "Yes" for those inmates who were not issued with a Privacy Notice on the issuing date;
 9. correctional centre management is responsible for ensuring that the Privacy Notice has been issued to all existing inmates who are in the correctional facility on the issuing date;
 10. correctional centre management is responsible for ensuring that a follow-up process is in place where an attempt is to be made to issue the Privacy Notice on a subsequent occasion to those inmates who were not issued with the Privacy Notice on the issuing date (for example, because the inmate was on work release).

Transitional Centres, Residential Facilities and Community Offender Support Program (COSP) Centres

The Privacy Notice must be issued to existing offenders in transitional centres, residential facilities and COSP centres as follows:

1. the Privacy Notice must be issued to existing offenders on **7 May 2012** ('issuing date');
2. the time of when the Privacy Notice will be issued to offenders on the issuing date, will be at the discretion of the manager of each transitional centre, residential facility and COSP;
3. on the issuing date, the administration staff of each transitional centre, residential facility and COSP must generate a report which includes a list of the name of every inmate/offender in the centre/facility on that day;
4. the report must be provided to the relevant officers who are responsible for issuing the Privacy Notice to offenders;
5. on the report, the officer must:
 - tick the name of those offenders who have been issued with the Privacy Notice and;
 - highlight the names of those offenders who have not been issued with the Privacy Notice.
6. the completed report must be returned to the relevant administration staff for data entry in the OIMS as set out in paragraphs 7-9;
7. on the issuing date, the "Privacy Notice Issued" field located on the "Intake" screen under the "Personal Information" will be ticked "Yes" for all inmates/offenders at the transitional centre, residential facility and COSP on that day;
8. The manager of each transitional centre, residential facility and COSP is responsible for ensuring that the Privacy Notice has been issued to all existing inmates/offenders at the transitional centre and residential facility on the issuing date;
9. The manager of each transitional centre, residential facility and COSP is responsible for ensuring that a follow-up process is in place where an attempt is to be made to issue the Privacy Notice on a subsequent occasion to those offenders who were not issued with the Privacy Notice on the issuing date.

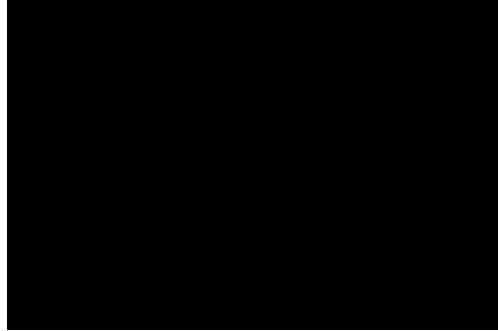
Acknowledgment Receipt

1. by **28 May 2012**, the Manager of each transitional centre, residential facility and COSP and the General Manager of each correctional facility must sign the attached receipt at "**Appendix B**" to acknowledge that all inmates on the report dated **7 May 2012**, that could possibly be issued, have been issued with the Privacy Notice. The signed receipt and the report must be sent to the Information Access and Privacy Unit via one of the following methods:

Post:

Email:

Fax:



2. the Information Access and Privacy Unit will provide further instructions in relation to following up the issuing of the Privacy Notice to inmates to whom it has not been possible to issue a Privacy Notice.

Issuing the Privacy Notice to new inmates

From **7 May 2012**, the Privacy Notice must be issued to new inmates as part of the standard intake process as follows:

1. it must be ensured that the Privacy Notice has been issued to new inmates at the time they complete the Inmate Identification and Observation Form ("IIO Form"), either at court cells or correctional centres;
2. the officer completing the IIO Form with the new inmate must ensure that the latest version of the IIO Form, dated February 2012 is used;
3. the officer must record on page 3 of the IIO Form whether the Privacy Notice has been issued to the inmate;
4. the completed IIO Form is given to the SAU to complete the data entry in the OIMS as set out in paragraphs 5-6;
5. the staff of the SAU are required to tick "Yes" to the "Privacy Notice Issued" field to reflect those inmates who have been issued with the Privacy Notice;
6. if the OIMS indicates that the Privacy Notice has already been issued to an inmate, the SAU is not required to make any additional record(s) in the OIMS.

Issuing the Privacy Notice to offenders who have contact with Community Offender Services (COS) and the Community Compliance and Monitoring Group (CCMG)

The Privacy Notice must be issued to offenders who are supervised in the community by COS officers or the CCMG and those who have contact with COS or the CCMG (for example, for the purpose of preparing a pre-sentence report) as follows:

1. The COS or the CCMG officer must ensure that the Privacy Notice has been issued to an offender at their first or next interview with the offender;
2. The COS or the CCMG officer is responsible for completing the data entry in the OIMS set out in paragraphs 3-4;

3. The COS or the CCMG officer is required to tick “Yes” to the “Privacy Notice Issued” field to reflect those offenders who have been issued with the Privacy Notice;
4. If the OIMS indicates that the Privacy Notice has already been issued to an offender, the COS or the CCMG officer is not required to make any additional record(s) in the OIMS.

Illiterate offenders

If an offender cannot read the Privacy Notice because he or she is illiterate, the officer must offer to read the Privacy Notice to the offender. If the offender accepts the offer, the officer must read the Privacy Notice to the offender, however, if the offender declines the offer, the officer is not required to read the Privacy Notice to the offender and it is deemed that the Privacy Notice has been issued.

Notice board

The Privacy Notice must be displayed at the following CSNSW facilities:

- Correctional Centres;
- Community Offender Services District Offices/Parole Units;
- Community Compliance and Monitoring offices;
- Community Offender Support Program Centres;
- Transitional Centres;
- Community Residential Facilities;
- Periodic Detention Centres;
- Police/Court Complexes.

The Privacy Notice must be displayed at a location and in a position visible to offenders.

The posting of the Privacy Notice on the notice board aims to provide offenders with an opportunity to ask for a Privacy Notice if they have not received one or are unaware of its existence.

If an offender requests a Privacy Notice, the relevant officer must download a copy for the offender from the CSNSW intranet by following the menu path: Organisation > Office of the Commissioner > Corporate Legislation and Parliamentary Support > Information Access & Privacy Unit > Privacy Notices

Link: http://dcs-intranet.online.dcs.nsw.gov.au/Organisation/office-of-the-commissioner/corporate-legislation-parliamentary-support/information-access-privacy-unit/privacy_notice

Offenders from Non-English Speaking Backgrounds

The Information Access and Privacy Unit is currently working on translating the Privacy Notice in to languages other than English to accommodate offenders from non-English speaking backgrounds.

Officers are required to notify the Information Access and Privacy Unit of such a request by email: infoandprivacy@dcs.nsw.gov.au.

The Information Access and Privacy Unit will provide a further instruction in relation to the availability of Privacy Notices in other languages.

Distribution and accessibility of the Privacy Notice

Copies of the Privacy Notice will be sent to the following CSNSW facilities:

- Correctional Centres;
- Community Offender Services District Offices/Parole Units;
- Community Compliance and Monitoring offices;
- Community Offender Support Program Centres;
- Transitional Centres;
- Community Residential Facilities;
- Police/Court Complexes.

Any additional copies required can be downloaded from the CSNSW intranet.

For ongoing distribution, officers from COS and the CCMG offices and the Police/Court cells are required to download the Privacy Notice from the CSNSW intranet.

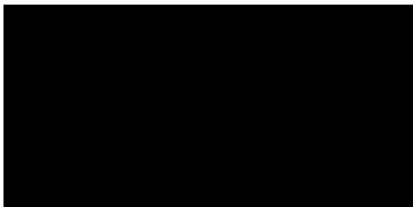
The Privacy Notice can be located on the intranet on the Information Access and Privacy Unit's page by following the menu path: Organisation > Office of the Commissioner > Corporate Legislation and Parliamentary Support > Information Access & Privacy Unit > Privacy Notices.

Link: http://dcs-intranet.online.dcs.nsw.gov.au/Organisation/office-of-the-commissioner/corporate-legislation-parliamentary-support/information-access-privacy-unit/privacy_notice

Policies and procedures

It is anticipated that a number of policies and procedure documents will be updated in the near future to provide information regarding the provision of the Privacy Notice.

In the meantime, if you have any questions in relation to the Privacy Notice and/or any other privacy matter, please contact the Information Access and Privacy Unit.





PRIVACY AND YOU

This Privacy Notice is to be issued to inmates/offenders upon their first contact with Corrective Services NSW, and that act is to be recorded in the OIMS data base.

Our obligations

There are laws in place to ensure that any personal and health information you provide to Corrective Services NSW (CSNSW) and other government agencies is protected and handled responsibly.

The laws include the *Privacy and Personal Information Protection Act 1998*, which protects the general information you provide to us, and the *Health Records and Information Privacy Act 2002*, which protects your health information.

This notice aims to notify you about how, why and when your personal and health information will be used and disclosed.

Collection of personal and health information

We collect personal and health information about you in order to manage you and the administration of your sentence. This information may be collected from you, your family, other individuals, and bodies such as Justice Health. Depending on your circumstances, the following kinds of information may be collected:

- Your full name, together with any other names by which you are known;
- Your address and telephone number;
- The name, address and telephone number of your next of kin;
- Your age and date of birth;
- Your photograph;
- Your fingerprints;
- Your biometric characteristics;
- A description of your general appearance, including your height, weight, build, hair colour and eye colour;
- Information on any identifying features that you may have, such as tattoos;
- Details of your physical and mental health, including any medical, psychiatric or psychological reports;
- Your substance abuse history and drug test results;
- Details of any attempt at suicide or self-harm;
- Your ethnic or racial group;

- The language or languages you speak;
- Your religious denomination, if any;
- Your trade or vocation, including your employment history;
- Your financial circumstances;
- Your domestic circumstances (that is, whether you are single, married, widowed, divorced, have a de facto and whether you have children or other dependants);
- Your family history (such as incidents of physical or sexual abuse committed by, or against you);
- Your criminal history, both in New South Wales and elsewhere;
- Details of your criminal associates;
- Your passport number;
- Video or closed-circuit television footage of you.

Use and disclosure of information within CSNSW

We usually use the information for activities such as:

- Classification, placement and designation purposes;
- Visits and telephone call purposes;
- Processing of applications;
- Inquiry and complaint handling;
- Corrective Services Industries employment purposes;
- The operation of specialist programs such as drug and alcohol programs; education and vocational training programs;
- the provision of health services;
- Assessment (including pre-sentence reports) and case management in correctional facilities and in the community;
- Administration of custodial and community sentences;
- Providing access to accredited chaplains and arranging participation in religious observances;
- Maintaining safe and secure facilities under the control of CSNSW;
- Law enforcement;
- Preparation of reports for bodies such as the NSW State Parole Authority (SPA) and the Serious Offenders Review Council (SORC);
- Investigations;

- Processing requests and complaints of individuals and organisations;
- Restorative justice programs including victim-offender conferencing and mediation; and
- Research, evaluation and statistics.

We store your information in an appropriate file or database. The information collected may be viewed, used and disclosed by CSNSW officers in the course of their duties.

Disclosure of personal information outside CSNSW

Your personal information may be released to people and organisations outside CSNSW when it is considered reasonable to do so. Here are some examples of what we may disclose:

- Information regarding your location in custody, so that your family and friends can visit you;
- Information so that another government body, such as Housing NSW or a Minister's office, can provide services to you or carry out its functions;
- Information so that community agencies, psychologists or counsellors can provide programs and services to you;
- Information for the purposes of fine enforcement and government and private debt collection;
- Information for research purposes. Some agencies do research and need restricted access to your personal information. Any published research will not identify you, unless you give your permission;
- Information in response to complaints made by you or on your behalf to the Ombudsman or other complaint handling bodies.

Disclosure of health information outside CSNSW

Just like your personal information, we may release health information about you, when needed by people or organisations outside of CSNSW, including other government bodies. Some of the examples provided above may also apply to your health information.

Permissibility of disclosure to some government bodies

The disclosure of personal and health information to some government bodies is permitted by law. For example, the *Social Security (Administration) Act 1999* permits Centrelink to get information from us. The Australian Taxation Office and Medicare are also able to obtain your information.

Refusing to disclose your personal and health information

You may refuse to provide us with your personal or health information. However, if you do refuse to provide your information, certain services or programs available from us or other agencies, such as Centrelink and Housing NSW, cannot be offered to you. So, it is in your best interests to provide us with the information we request from you.

If you are in custody, you need to know that providing false or misleading information constitutes a correctional centre offence. A correctional centre offence may result in a penalty being imposed upon you by a General Manager.

Access to and amendment of personal and health information

You have a right to ask for access to records or information we hold about you. For access to your case management file, first speak with your case officer.

You have a right to request the amendment of your personal information that we hold, if you consider that it is inaccurate, irrelevant, incomplete, out of date or misleading.

For a *Government Information (Public Access) Act 2009* application form or an amendment request form, speak with your local officer or supervisor, or, if you are not in custody, go online to: www.correctiveservices.nsw.gov.au

Complaints and enquiries

If you have any questions or enquiries in relation to your personal and health information held by us contact:

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PRIVACY NOTICE ACKNOWLEDGMENT RECEIPT

I,..... (print full name)

of.....
(transitional centre, residential facility, COSP or correctional centre)

acknowledge that I have issued, where possible, all offenders listed on the report dated 7 May 2012 with a copy of the Privacy Notice - *Privacy and You*.

.....
(Print Rank and Name)

.....
(Signature)

.....
(Date)

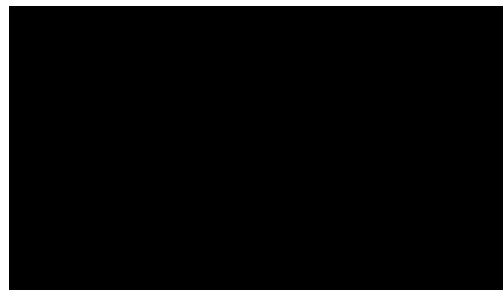
Instructions for Issuing Officer

The Manager of each transitional centre, residential facility and COSP, and the General Manager of each correctional facility, must sign the acknowledgement receipt and return, along with the report generated for the respective centre/facility dated 7 May 2012, to the Information Access and Privacy Unit by **28 May 2012**.

Post:

Email:

Fax:





Commissioner's Instruction

No: 3/2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Deletion of Data in the Legal Orders Module - Offender Information Management System (OIMS)

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

It has been brought to my attention that some staff are deleting data that does not appear correct on the Legal Orders Module in OIMS. Effective immediately no data that has been entered and verified in this screen by Sentence Administration Branch staff is to be deleted or amended.

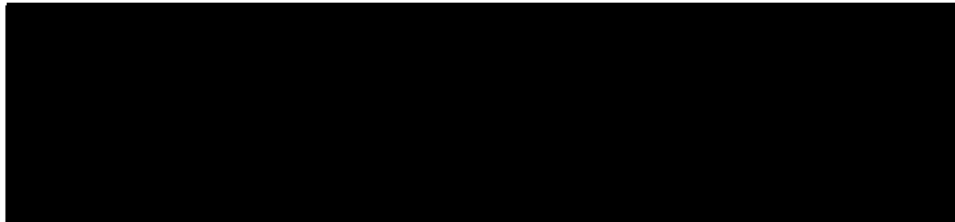
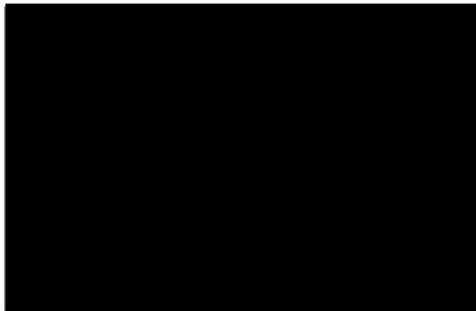
Recent changes to OIMS to facilitate the merging of custodial and community data has resulted in changes as to how data is viewed and uncertainty as to which screens need to be utilised. If staff have concerns that dates or sentence details may be incorrect or incomplete in the Legal Orders screen, contact must be made with the person who first entered the data before any change is made.

In particular, sentence data is being entered or deleted on the Community Orders Screen for Intensive Correction Order Assessment (ICA) and Intensive Correction Orders (ICO) following sentencing, without contacting the Sentence Administration Branch (SAB). SAB has sole responsibility for eligibility assessments and the registration of these orders. Any changes to these orders will only be made by SAB staff. This also includes data incorrectly converted as a result of the upgrade to OIMS. All enquiries are to be e-mailed to icoadmin@dcs.nsw.gov.au.

Additionally, case numbers (Charge ID) entered by SAB staff are being changed to H numbers. The case number more accurately reflects the specific offence(s) upon which the Court requires an assessment and is not to be changed as this is the official Corrective Services NSW record.

A sentencing Court cannot request both a Pre Sentence Report (PSR) and an ICA at the same time. When this occurs confirmation will be requested from the Court by SAB staff. Until confirmation is received from the Court no staff are to amend or delete this record.

More detailed procedures with respect to data entry and the delineation of responsibility for custodial and community data records will be developed. Until this occurs staff are requested to exercise patience and caution and are not to delete or amend data in the Legal Orders Screen that has been entered by SAB staff.





Commissioner's Instruction

No: 4/2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Information about offenders that can be provided over the telephone

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

This instruction replaces ACO: 96/12 and OPM:96/37.

This instruction is specifically in relation to the provision of information about offenders in response to telephone enquiries from prospective visitors, law enforcement agencies, and government and non-government agencies for varying purposes.

INSTRUCTION

All staff of Corrective Services NSW (CSNSW) must follow this instruction when asked to provide information about offenders/individuals over the telephone.

Requests from prospective visitors

This direction does not apply to inmates in the Special Purpose Centre. No information whatsoever is to be released in respect of this category of inmate. Persons making such enquiries must be instructed to write to the Commissioner.

When telephone callers identify themselves as a family member or a friend of an offender who they know is in custody, and who they wish to visit, staff are

permitted to disclose the offender's location if they first check the OIMS alert screen to verify if either the enquirer or the offender have an Apprehended Violence Order restricting contact with each other.

If the caller is intending to visit an inmate who has just been released from custody, the caller may be advised of that fact.

If the telephone caller wants to know whether or not an individual is or has been in custody, they must be advised that privacy laws prevent the release of that information over the telephone. No indication should be given that the person has been released from custody or whether or not they have been in custody at any time. You can advise the caller that, if they wish, they can submit an application under the *Government Information (Public Access) Act 2009* (GIPAA). See end of this instruction for further information about GIPAA.

Visits to inmates are provided for by the regulations made under the *Crimes (Administration of Sentences) Act 1999* and therefore information can be disclosed for the purpose of facilitating a visit.

As staff cannot absolutely verify the honesty of all persons seeking the location of offenders, the fact that the caller has deceived a staff member and obtained information for another purpose is not relevant and no offence will be committed in those circumstances unless the staff member has reasons to believe that the information is sought for other purposes. If the staff member is in doubt that the request is genuine, further information should be sought, for example, whether the person has visited the inmate before and where, date of birth, etc. If the staff member is still in doubt, the staff member should ask the person to put his/her request in writing to the General Manager or most relevant senior officer.

Requests involving child protection

Limited information in certain circumstances may be provided over the telephone in regard to child protection matters. In responding to such enquiries, staff must refer to the policy attached to Commissioner's Memorandum 2009/59 or refer the caller to the Child Protection Coordination and Support Unit (CPCSU).

Memorandum 2009/59 advises, among other things, that Community Offender Services (COS) staff may exchange information over the telephone under Chapter 16A of the *Children and Young Person (Care and Protection) Act 1998*, if they record the exchange on OIMS.

The CPCSU may be contacted via email: child.protection@dcs.nsw.gov.au
or via telephone: [REDACTED]

Requests from law enforcement agencies (except for a child protection purpose)

COS staff and Community Compliance and Monitoring staff may provide offender information over the telephone to law enforcement officers if it is strictly for the purposes of those officers needing it in connection with proceedings for an offence, for law enforcement purposes, the protection of public revenue, to investigate an offence where there are reasonable grounds to believe that an offence may have been committed or for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person.

Information about an offender's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities can be only disclosed if it is reasonably necessary for the purposes of law enforcement, or is necessary to prevent a serious and imminent threat to the life or health of the individual concerned or another person.

Otherwise, telephone requests from New South Wales (NSW) law enforcement or investigative agencies must be referred to the Police Corrections Intelligence Unit [see section 8 of the Operations Procedures Manual (OPM) for further details].

If disclosure is not otherwise permitted, law enforcement or investigative agencies from outside of NSW must be referred to the Corrections Intelligence Group (see section 8 of the OPM for further details).

Requests from criminal justice agencies and other types of government agencies (excluding law enforcement agencies)

Telephone callers from the above agencies requesting information about offenders (not involving child protection) can be referred to the Sentence Administration Branch in Head Office, which may be able to assist in accordance with established procedures.

Requests from ex-offenders

The Sentence Administration Branch may provide an ex-inmate a copy of his or her sentence details, on production of proof of identity. Accordingly, relevant callers should be referred to the Sentence Administration Branch.

Requests for offender information in other circumstances

Commissioner's Instruction 5/2012 sets out the circumstances in which written information about offenders may be provided.

Enquirers can be referred to the Information Access & Privacy Unit (IA&P Unit) or its [Internet page](#). Applications under GIPAA must be sent to the IA&PU. For example, private debt collectors should be referred to the IA&P Unit Internet site.

For further information on the release of CSNSW information, please refer to the Information Access & Privacy Unit's intranet page or Internet page.

Section 8.26 of the OPM deals with the disclosure of information regarding offenders.

Section 21 of the OPM provides information about the disclosure of information and GIPAA applications.

Chapter 4 of the Offender Classification & Case Management Policy & Procedures Manual provides instruction on the release of inmate details.





Commissioner's Instruction

No: 5/2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Requests for Reports and other Records on Offenders and Ex-Offenders plus other requests for records

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

This instruction takes the place of Commissioner's Instruction 03/2003.

INSTRUCTION

Correctional Officers, Probation and Parole Officers, Community Compliance and Monitoring Group (CCMG) officers, and Offender Services and Program staff may prepare reports on offenders when requested for a specific work related purpose. In certain circumstances, reports may also be prepared at the request of external parties. An officer may not prepare a report at the request of an offender.

Any document provided is to be a factual report, **not** a reference.

When permitted, reports for external parties are to be on Corrective Services NSW (CSNSW) letterhead to reflect that the report represents the view of CSNSW, not the individual officer. For this reason all such reports are to be based on factual information pertaining to the offender's record in custody or community supervision and are not to contain opinions or speculation.

CSNSW records may be disclosed as prescribed by this instruction. A separate instruction prescribes how information may be verbally released.

Requests by external agencies and legal representatives for new reports on offenders

This part of the Instruction refers to requests for reports other than those mandatory reports, which are required, for example, of the Probation and Parole Service (such as, pre-sentence reports and parole reports).

Requests by an external agency (other than a law enforcement agency) or legal representative of an offender for a **new** report on the offender are to be referred to the General Manager, COS Manager or Senior Compliance and Monitoring Officer for approval at his/her discretion. All requests must be in writing. The external agency must have legal authority to request the report. That authority can be the express consent of the offender, the fact the offender is legally represented by that person or the agency can rely upon legislation that compels CSNSW to provide the information. If in doubt seek advice from the Legal Branch of CSNSW.

Requests from New South Wales law enforcement or investigative agencies must be referred to the Police Corrections Intelligence Unit. Law enforcement or investigative agencies from outside of NSW must be referred to the Corrections Intelligence Service (CIG), which will process the requests in accordance with established procedures. See section 8 of the Operations Procedures Manual for further details.

Contents of reports

A draft report must be submitted to the General Manager, COS Manager or Senior Compliance and Monitoring Officer for vetting prior to issue. The General Manager, COS Manager or Senior Compliance and Monitoring Officer is to ensure that the report contains only factual information pertaining to the offender's record and progress in custody or community supervision and that the report is balanced and properly reflects the view of CSNSW, not the author. If considered necessary, the General Manager, COS Manager or Senior Compliance and Monitoring Officer should also liaise with the Superintendent, CIG, in relation to the preparation of the report. The final report is to be on CSNSW letterhead.

Reports prepared for an offender's legal representative **must not** contain any information concerning people other than the offender. A report prepared for an external agency, which is not requested pursuant to a legislative requirement that compels the production of the report, must also not contain any information concerning people other than the offender or details of a spent conviction.

Call the Information Access & Privacy Unit, if you need advice regarding this Instruction.

REQUESTS FOR EXISTING REPORTS AND OTHER DOCUMENTATION

This part of the instruction does not cover the provision of mandatory documents to the Courts or information disclosed through established central procedures for research purposes. This part of the instruction generally refers to simple requests for records. Complex requests generally have to be processed under the *Government Information (Public Access) Act 2009* (GIPA Act) by the Information Access & Privacy Unit. However, the GIPA Act does encourage agencies to release as much information as possible, outside of the provisions of the GIPA Act. If you need further advice, call the Information Access & Privacy Unit.

Requests for existing reports and other records concerning an offender by the offender's legal representative

Copies of records relating to an offender (current or ex-offender) which are already in existence, both electronic and paper, **may** be supplied to an offender's legal representative on production of a written request by the legal representative, provided no security or other sensitive issues are involved. Unless otherwise instructed, you do not have to comply with such requests. The representative can be advised to contact the Information Access & Privacy Unit.

Critically, records cannot be released if they contain information concerning a third-party. Psychometric instruments (including an LSIR and its result sheet) cannot be released. Also court transcripts/Judges Comments, and other records not created by CSNSW, cannot be released.

If legal proceedings involving the offender are currently before the courts, and the requested record is held on OIMS, the legal representative can be directed to the Sentence Administration Unit in head office. If the Sentence Administration Unit is unable to assist, the legal representative should be directed to issue a subpoena for the relevant records. For further information regarding subpoenas, legal representatives should be referred to the CSNSW subpoena clerk on [REDACTED] or the "Information for legal practitioners" page of the CSNSW website.

If a matter is not before the courts, and the requested records contain third-party information, sensitive information or other records listed above not for release, the legal representative should be advised that he/she will have to submit an application under the *Government Information (Public Access) Act 2009*. The representative can be referred to the Information Access & Privacy Unit or its [Internet page](#).

Requests for information exchange of existing records for child protection

Officers should refer to the policy attached to Commissioner's Memorandum 2009/59. Essentially, in the first instance, all requests for existing records

involving child protection should be referred to the Child Protection Coordination and Support Unit (CPCSU). Law enforcement requests pursuant to Chapter 16A of the *Children and Young Person (Care and Protection) Act 1998* and section 16 of the *Child Protection (Offenders Prohibition Orders) Act 2004* should be referred to the CPCSU. The email address for the CPCSU is child.protection@dcs.nsw.gov.au.

Subpoenas and warrants

All subpoenas are processed by the CSNSW subpoena clerk in Legal Services Branch. Where a search warrant is issued by a court for documents etc. this must be served directly on the location where the documents are held. Legal Services Branch can be contacted for advice.

Requests for existing records by an agency with the express consent of the offender

Copies of records relating to an offender (current or ex-offender) which are already in existence, both electronic and paper, which were created by CSNSW, **may** be supplied in response to a written request by an agency that has the offender's express consent, provided no security or other sensitive issues are involved. Critically, the requested record **must** only contain information concerning the offender, that is, it must not contain information about a third-party.

If a request is declined, the agency should be advised that it may have to submit an application under the *Government Information (Public Access) Act 2009*. The agency should be referred to the Information Access & Privacy Unit or its [Internet page](#).

All other requests for records from law enforcement or investigative agencies

All other requests for existing records from New South Wales law enforcement or investigative agencies must be referred to the Police Corrections Intelligence Unit. Law enforcement or investigative agencies from outside of NSW must be referred to the Corrections Intelligence Service, which will process the requests in accordance with established procedures. See section 8 of the Operations Procedures Manual for further details.

Requests from agencies which quote legislation that compels CSNSW to provide a record

Some Government agencies can compel CSNSW to provide records pursuant to legislation. Such requests must be in writing and quote the relevant legislation. If the requested information is held on OIMS, all such requests must be processed by the Sentence Administration Branch. Otherwise, the request will have to be processed by the area that holds the record. If you are unsure whether or not the quoted legislation requires you to provide the requested record, you must seek the advice of the Legal Services Branch. In

particular, be aware that Interstate agencies (not Commonwealth agencies) need to quote not just the provisions from their State legislation but also the enabling provisions from NSW legislation.

Requests for existing offender records from criminal justice agencies and other types of government agencies

Requests for existing records from certain government agencies (not including law enforcement) may in some circumstances be met by referral to the Sentence Administration Branch in Head Office in accordance with established procedures. Examples are the Office of the Director of Public Prosecutions and Commonwealth Government immigration agencies. Some requests involving child protection will be dealt with by Sentence Administration in accordance with established procedures.

Requests for existing offender records from offenders and ex-offenders

Officers must refer to a procedure manual before providing information to offenders and ex-offenders. Currently, the relevant manuals are: the Operations Procedures Manual; and the Offender Classification & Case Management Policy & Procedures Manual.

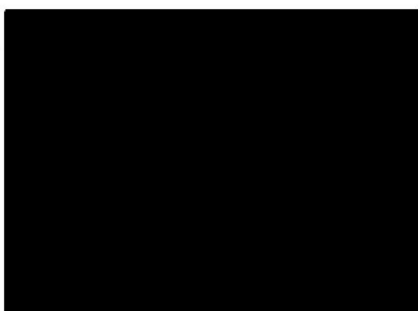
Requests for offender records more than 70 years old

Enquirers should be referred to Corporate Records, which has established procedures for processing such requests.

Requests for existing offender records in other circumstances

Enquirers should be advised that they may have to submit an application under the *Government Information (Public Access) Act 2009*. They can be referred to the Information Access & Privacy Unit or its [Internet page](#).

For further information on releasing CSNSW information, please refer to the [Information Access & Privacy Unit's intranet page](#) or [Internet page](#).





Commissioner's Instruction

No: 6 / 2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: **2011/12 Expenditure Freeze**

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

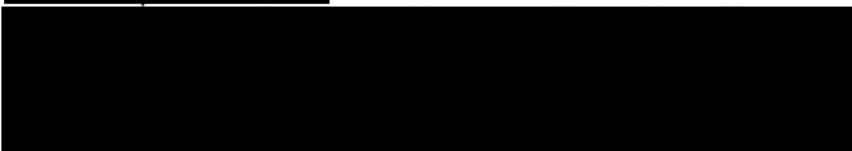
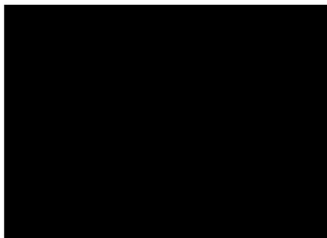
INSTRUCTION

Corrective Services NSW continues to spend in line with its budget allocation. This has largely been as a result of the savings plans introduced during the 2011/12 year and performance measures adopted from them. Current financial projections indicate that CSNSW will meet our 2011/12 budget target. However, to ensure our financial expenditure projections are not exceeded, I am now imposing a complete freeze on non critical recurrent expenditure being committed up until 30 June 2012.

Cost centre managers should ensure that no expenditure is committed in the lead up to the end of the financial year unless it is operationally critical. This extends to any recruitment action currently in progress. New recruitment, including creation of positions, is also to cease. The current whole of government restrictions on the use of agency staff remain in place.

I am making each of the Board of Management members responsible for ensuring that only absolutely essential expenditure is authorised and committed between now and 30 June 2012.

Use of overtime and use of casual custodial officers will continue to be reviewed and controlled by Deputy Commissioner Offender Management and Operations. Where an urgent, business critical case can be stated for continuation of current recruitment, this should be approved by the responsible Deputy Commissioner.





Commissioner's Instruction

No: 07/2012

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Intensive Correction Orders – Court contact and request protocols

PREAMBLE

This Instruction is issued in accordance with the provisions of Section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the *Public Sector Employment and Management Act 2002*.

INSTRUCTION

The upcoming implementation of the electronic court outcome (ECO) interface between the Courts and Corrective Services NSW (CSNSW) has resulted in the need to review current business practices.

A review process has been underway for some time to develop a better understanding of the impact and benefits of moving from a hard copy paper based system to a fully electronic process where court outcomes are transferred directly to CSNSW Offender Integrated Management System (OIMS).

To facilitate the data exchange and to prepare for future business improvement opportunities it will be necessary to establish a central location, where all electronic information and facsimile transmissions from the courts can be assessed and verified.

Accordingly, the Sentence Administration Branch (Head Office) will take responsibility for attaching the electronic documents to the court event in OIMS and then forwarding the document to the relevant CCMG office, in regard to Intensive Correction Orders.

Intensive Correction Orders and Requests

To facilitate the new processing arrangements a new instruction will be sent to all courts directing that all requests for Intensive Correction Order Assessments (ICA) and the receipt of Intensive Correction Orders (ICO) must be scanned and e-mailed by the courts to orders@dcs.nsw.gov.au or faxed to Sentence Administration on [REDACTED]

This direction could be compromised should CSNSW staff directly approach the courts to obtain copies of requests and orders. When this has happened in the past the court has refused to resend a further order or notification to the official CSNSW address. This has resulted in some requests and orders not being registered by Sentence Administration Branch (ICO Administration).

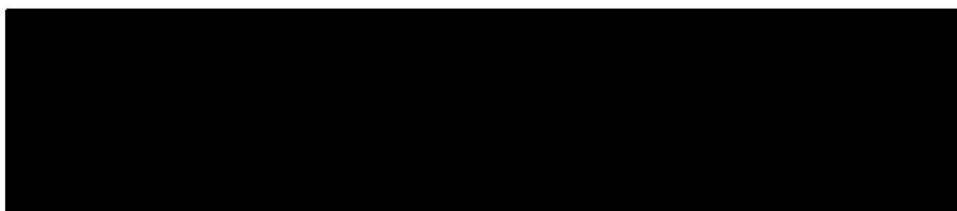
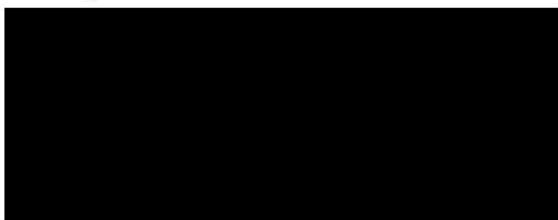
Under no circumstances is a CSNSW staff member to contact a court directly to request a copy of an ICO or a copy of the ICA. All such enquiries are to be directed to the Sentence Administration Branch via the above e-mail address.

Should any CSNSW location receive an ICO request or order directly from a court, it must be immediately forwarded to the Sentence Administration Branch (ICO Administration) as outlined above.

Missing Orders and Assessment Requests

As you are aware the ICO fax number has changed to [REDACTED] and the former number [REDACTED] is no longer available. As a consequence transmissions from the courts to the former number since Monday 28 May 2012 are lost and cannot be retrieved. It is therefore inevitable that some courts will express concern that assessments and orders have not been processed. Staff are asked to prioritise these matters as soon as notification is received.

The above protocols have been developed to ensure the timely and accurate recording and management of court outcomes and to eliminate poor information sharing. Failure to observe the above protocols may result in unnecessary adjournments, the failure to register courts requests and may delay the commencement of an order.





Commissioner's Instruction

No: 08/12

To: *Board of Management
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Issuing of the Visitor Privacy brochure to all Corrective Services NSW (CSNSW) correctional centres and residential facilities.

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

The *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* require that at any time a government agency collects personal information about an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the circumstances of collection.

To meet legislative requirements I am directing that each correctional centre display the attached Visitor Privacy Notice brochure in the pamphlet stand in the visits section and at any suitable place where a visitor enters or egresses. I am also directing that the Visitor Privacy Notice brochure be placed in a highly visible location at the visitor processing point in any residential facility.

Additionally, staff need to be made aware that there is a comprehensive Visitor Privacy Notice available on the CSNSW intranet and CSNSW website in the information Access & Privacy Unit sections. Visitors are informed of the existence of the comprehensive notice in the brochure. Nevertheless, staff

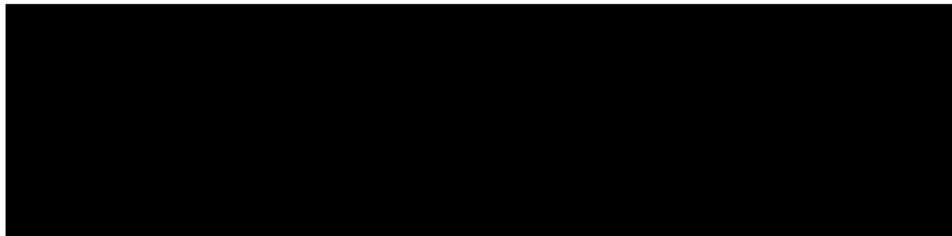
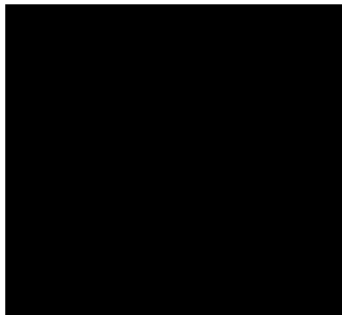
can, where relevant, inform visitors of the comprehensive Visitor Privacy Notice and, if requested, provide a copy of it to visitors. Both the Visitor Privacy Notice brochure and the comprehensive Visitor Privacy Notice are available online.

The relevant CSNSW intranet address is:

http://dcs-intranet.online.dcs.nsw.gov.au/Organisation/office-of-the-commissioner/corporate-legislation-parliamentary-support/information-access-privacy-unit/privacy_notice

The relevant CSNSW website address is:

http://www.correctiveservices.nsw.gov.au/information/information-access-privacy-unit/privacy_notices





Commissioner's Instruction

No: 09/2012

To: *Interim Executive Committee
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender
Services
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: Translated Offender Privacy Notice – “Privacy and You”

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the Public Sector Employment & Management Act 2002.

INSTRUCTION

The offender privacy notice, entitled “Privacy and You”, has now been translated into three languages: Arabic, Traditional Chinese and Vietnamese. The translated versions of the privacy notice are available on the Intranet along with the English version.

The link is: http://dcs-intranet.online.dcs.nsw.gov.au/Organisation/office-of-the-commissioner/corporate-legislation-parliamentary-support/information-access-privacy-unit/privacy_notice

Staff must provide offenders who speak Arabic, Traditional Chinese or Vietnamese as their first language with the relevant translated version of the privacy notice.

The offender privacy notice, "Privacy and You", is issued pursuant to Commissioner's Instruction 2/2012.

