

Custodial Operations Policy and Procedures

22.1 Requests for reports and other records on inmates

Policy summary

Corrective Services NSW (CSNSW) has legislative obligations to ensure information and records generated and collected by staff as part of their official duties are stored, shared, used, disclosed, released and protected appropriately. A legal or statutory basis must exist before CSNSW can release information and records.

Correctional officers may prepare reports on inmates when requested for a specific work related purpose. With the proper authority, reports may also be prepared at the request of external parties. Information provided in a report as a result of a request must:

- be factual
- not contain personal opinion or speculation and
- represent the view of CSNSW not the individual.

An officer must not prepare a report at the request of an inmate.

Records must not be released informally if they contain third party information or other security or sensitive information.

Management of Public Correctional Centres Service Specifications

Service specification	Decency and respect Professionalism and accountability
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW, and all CSNSW employees.

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1 Requests for reports and other records on inmates

1.1 Policy

The *Government Information (Public Access) Act 2009* (GIPA Act) provides an open and transparent process for NSW public sector agencies to release as much information as possible. In addition to the GIPA Act, there are other legislative pathways for information to be released.

CSNSW has legislative obligations to ensure information and records generated and collected by staff as part of their official duties are shared, used, disclosed, released and protected lawfully. A legal or statutory basis must exist before CSNSW can release information and records.

Information held by CSNSW as a result of an inmate entering CSNSW custody can be requested informally and released, provided it does not contain information about a third party, affect the security of a correctional facility or contain other sensitive information. If the information requested was created by another agency and is now held by CSNSW, the request for that information should be made directly to that agency or may be released by CSNSW where there is a lawful excuse.

Information can be released to law enforcement agencies and government and non-government agencies to provide information about inmates, in accordance with the *Crimes (Administration of Sentences) Act 1999* and the *Crimes (Administration of Sentences) Regulation 2014*.

For more information on the *GIPA Act 2009*, refer to **COPP section 22.3 Government information (public access) act 2009** or to the [Open Government, Information and Privacy Unit](#) (OGIP).

Where there is uncertainty about whether the report, information or other documentation as requested can be provided and what legislation applies, contact the OGIP on 02 8346 1526 or via email to: infoandprivacy@dcj.nsw.gov.au

1.2 Providing reports and other records

Correctional officers are not to prepare a report at the request of an inmate. All statements or reports written by correctional officers must:

- be honest and truthful
- not contain opinions or speculation
- be based on factual information relating to the inmate's record in custody
- not contain information about a third-party
- not contain security or sensitive information
- be written to reflect the view of CSNSW, not the view of the individual
- be written on CSNSW letterhead
- not, wilfully or negligently contain any false, misleading, or incorrect statement(s)
- not have relevant facts or other information wilfully omitted; and
- not knowingly make or sign a false statement in an official document.

When releasing requested CSNSW records, correctional officers must:

- not destroy, mutilate or hide an official document, record or book
- not alter or erase an entry in an official document, record or book
- ensure they do not contain information about a third party
- ensure they do not contain security or sensitive information
- not unlawfully tamper with, erase, destroy or mutilate an official record on CSNSW's corporate or local computer system or associated equipment and accessories; and
- not knowingly make or sign a false statement in an official record or book.

For information on what type of information can be disclosed to telephone callers, refer to **COPP section 22.2 Disclosure of inmate information to telephone callers**.

1.3 CSNSW records

The types of records created and held by CSNSW include:

- *Offender Integrated Management System (OIMS) Case Notes*: Information about inmate behaviour, courses/program information, significant contact with a CSNSW staff member in custody or under supervision of Community Corrections
- *Case Management File (CMF)*: information about the inmate's time in CSNSW custody, including classification reviews, case plans, care and placement information, misconduct reports and education certificates.
- *Psychology File*: can include psychology reports and progress notes
- *Visitor Record Reports*: details the names, dates, times of visitors to an inmate while in custody.
- *OIMS Conviction, Sentences and Appeals Report*: sentencing details, movements and punishment
- *OIMS Urinalysis* reports: date test conducted and results of urinalysis testing
- *Warrant Files*: contains records of inmate's bail conditions, orders, warrants and release details.
- *Education File*: may include certificates of courses completed and records generated by Education and Vocational Training.
- *Community Corrections Reports*: presentence reports, breach reports or pre-release reports.

If there is uncertainty about whether the requested record can be provided, contact the Department of Communities & Justice Legal (DCJ Legal) on 02 8346 1388 or via email at: enquiries_generalcounsel@dcj.nsw.gov.au

1.4 Legislation that compels CSNSW to release records

Some Government agencies can compel CSNSW to provide records pursuant to legislation. All such requests must be in writing and quote the relevant legislation.

Contact the DCJ Legal on 02 8346 1388 or via email to: enquiries_generalcounsel@dcj.nsw.gov.au if there is uncertainty about whether or not the quoted legislation requires CSNSW to provide the requested record.

Note: Interstate government agencies (not Commonwealth agencies) must quote not just the provisions from their State legislation but also the enabling provisions from NSW legislation.

1.5 Providing existing records / information

	Procedure	Responsibility
1.	<p>Review and confirm the written request:</p> <ul style="list-style-type: none"> contains the legislative authority that compels CSNSW to release the requested record/information contains the inmate's express consent in writing, where required contains a completed <i>GIPAA access information form</i>, if required. <p>Send to correctional centre / business unit where the inmate is located or who hold the requested information / records.</p>	OGIP
2.	<p>Allocate request to staff member for retrieval of requested record(s).</p>	Governor or Manager of Security (MOS) in charge of a correctional centre
3.	<p>Search for and retrieve requested records and make sure the records to be returned to the OGIP do not contain:</p> <ul style="list-style-type: none"> information about a third party security or other sensitive information. <p>Note: Advise Governor/MOS in charge of a correctional centre if records exist that contain information about a third party, another agency or other security or sensitive information or if it is believed there is an overriding public interest against disclosure under sections 8 and 72 of the <i>GIPA Act</i>.</p> <p>Provide to Governor or MOS in charge of a correctional centre.</p>	Staff member
4.	<p>Arrange for requested records to be sent to DCJ Legal.</p> <p>Advise the OGIP about the existence of records that contain third party, another agency or other security or sensitive information or where there is an overriding public interest against disclosure under sections 8 and 72 of the <i>GIPA Act</i>.</p>	Governor or MOS in charge of a correctional centre
5.	<p>Release records/information to requesting agency.</p> <p>If requested records contain third party, another agency or other security or sensitive information or where there is an overriding public interest against disclosure under sections 8 and 72 of the <i>GIPA Act</i>, liaise with the General Manager (GM), Corrections Intelligence Group (CIG).</p>	OGIP

2 Subpoenas and warrants

2.1 Policy

All requests to produce CSNSW documents by subpoena or other orders to produce are centrally coordinated by the DCJ Legal. A subpoena to produce documents or order to produce received at a correctional centre / business unit must be scanned and emailed immediately to the OGIP at: subpoenas@dcj.nsw.gov.au.

CSNSW staff may be subpoenaed to give evidence about matters relating to their official duties or about matters they are aware of because of their role. Subpoenas to attend court and give evidence are not to be sent to the DCJ Legal. CSNSW staff subpoenaed to give evidence may request legal advice from the DCJ Legal before their attendance in court.

Search warrants issued by a court for documents must be served directly on the location where the documents are held.

2.2 Procedures

	Procedure	Responsibility
1.	Scan and email <i>Subpoena to produce documents or order to produce</i> to the DCJ Legal at: subpoenas@dcj.nsw.gov.au .	Governor or MOS in charge of a correctional centre
2.	Coordinate with correctional centre/business unit to provide all documents as specified on a Court ordered search warrant to the requesting agency/legal representative.	OGIP
3.	Email warrants to the correctional centre/business unit holding the records.	Court / NSW Police
4.	Collate records as recorded on warrant and respond to requesting Court/NSW Police Officer.	Governor or MOS in charge of a correctional centre

2.3 Procedures for inmate records more than 70 years old

	Procedure	Responsibility
1.	Email enquiry in writing to CSNSW Corporate Records at: corporate.recordsCS@dcj.nsw.gov.au .	Requesting agency/ individual
2.	Respond to enquiry in accordance with established procedures for processing such requests.	Corporate Records

3 Requests from law enforcement and other criminal justice agencies

3.1 Requests from law enforcement, investigative or prosecutorial agencies

Information can be provided to law enforcement agencies such as the NSW Police Force (NSWPF) or prosecuting authorities such as the Office of the Director of Public Prosecutions (ODPP) for the purpose of legal proceedings in accordance with section 257(c) of the *Crimes (Administration of Sentences) Act 1999*.

The correctional centre / business unit holding the requested information can provide the information directly to the ODPP or NSW Police Force where a written request is made for the information citing the next court date.

Contact the OGIP on 02 8346 1526 if there is uncertainty about whether or not CSNSW is able to provide the requested information to law enforcement or prosecutorial bodies.

3.2 Requests from other government criminal justice agencies

All requests for CSNSW records from other government criminal justice agencies (not law enforcement or prosecutorial) are centrally managed by Sentence Administration Corporate (SAC).

All requests must be in writing and emailed to Sentence.Admin@dcj.nsw.gov.au.

3.3 Requests from other government agencies or external service providers

Requests from government agencies or external service providers will be decided upon on a case by case basis depending on the nature of the request and the legislation relied on by the agency.

If advice is required about whether information can be released contact the OGIP Unit on 02 8346 1526 or send an email to infoandprivacy@dcj.nsw.gov.au.

3.4 Procedures for criminal justice agencies and other government agencies (not law enforcement)

	Procedure	Responsibility
1.	Request records / information held on OIMS via email to Sentence Administration Corporate at Sentence.Admin@dcj.nsw.gov.au .	Requesting agency
2.	Review Request and confirm it contains the: <ul style="list-style-type: none"> legislative authority that compels CSNSW to release the requested record / information inmate's express consent in writing, where required Note: Interstate agencies (not Commonwealth agencies) must quote not just the provisions from their State legislation but also the enabling provisions from NSW legislation.	SAC
3.	Provide record / information as requested.	SAC

3.5 Procedures for NSW and interstate law enforcement or investigative agencies

	Procedure	Responsibility
1.	NSW and Interstate Police - email written request to the Police Corrections Intelligence Unit at pciu@police.nsw.gov.au . Note: the PCIU will email the requesting Interstate Police a Corrections Intelligence Group (CIG) <i>Criminal Record Enquiry (Offenders)</i> form to complete and return to allow the request to be actioned.	Requesting agency

3.6 Procedures for an inmate's legal representative

	Procedure	Responsibility
1.	Email a request for records to SAC at: Sentence.Admin@dcj.nsw.gov.au If legal proceedings involving the inmate are: <ul style="list-style-type: none"> currently before the courts, and the requested record is held on OIMS. 	Inmate's legal representative
2.	Provide record/information as requested. If SAC is unable to assist, advise legal representative to issue a subpoena for the relevant records.	SAC
3.	Email subpoena to the OGIP at subpoenas@dcj.nsw.gov.au if the information / records are requested by way of subpoena.	Inmate's legal representative
4.	Coordinate with correctional centre/business unit for the requested information / records to be provided.	OGIP

5.	<ul style="list-style-type: none"> Submit via email a <i>GIPAA application form</i> to the OGIP at subpoenas@dcj.nsw.gov.au if a matter is not before the courts, and the requested records: <ul style="list-style-type: none"> contain third party information sensitive information or other records listed not for release 	Inmate's legal representative
6.	Coordinate with correctional centre/business unit for the requested information / records to be provided.	OGIP

3.7 Procedures for information sought by foreign embassies and Consulates

	Procedure	Responsibility
1.	Email request to Corrections Executive Services & Complaints Management(CES&CM) at: ExecutiveServices@dcj.nsw.gov.au .	Diplomat/ Consular representative from a Foreign Embassy or Consulate
2.	<p>Check if the inmate has consented, in writing, for information to be shared with the embassy/consulate. Provide a written response to the request if the inmate has provided this consent.</p> <p>Email an <i>Authority to release information</i> form to the Governor of the correctional centre where the inmate is housed for the inmate to complete or decline to complete if the inmate has not previously completed the form.</p> <p>Note: The inmate indicates on the form whether he/she authorises or does not authorise release of information. If the inmate declines to complete the form, it is considered as "do not authorise".</p>	CES&CM
3.	Provide form to inmate and return to CES&CM via email at: ExecutiveServices@dcj.nsw.gov.au .	Governor / delegated officer
4.	Respond in writing to diplomat / consular representative.	CES&CM

4 Requests from inmates

4.1 Policy

Information held by CSNSW may be provided informally to an inmate on the submission of an *Inmate request form*. An inmate's personal information can be provided where it does not contain Information about a third party, relates to the security of a correctional facility or contains other sensitive information.

Authorised CSNSW staff may respond to informal requests for information by inmates for their own personal information, such as for example:

- from their Education File
- a print-out of their Digital Warrant File or
- an OIMS *Convictions, Sentencing and Appeals* report.

The correctional centre/Business Unit that holds the information can provide this directly to the inmate.

Where access relates to an informal request, the Governor of the relevant correctional facility should generally provide the information to the inmate by providing a paper copy. However, at the discretion of the Governor, access can be provided:

- electronically
- by verbal disclosure
- by agreement in writing with the inmate to a third party, such as a family member or legal representative.

A formal application is required only when:

- it is necessary to consult (where information relates to a third party, another agency or the information contains other security or sensitive information) or
- where there may be/is an overriding public interest against disclosure under the GIPA Act.

For further information on the GIPA Act, refer to **COPP section 22.3 Government information (public access) act 2009**.

4.2 Procedures

	Procedure	Responsibility
1.	Submit <i>Inmate request form</i> .	Inmate
2.	Allocate to staff member to retrieve requested records/ information.	Functional Manager (FM)
3.	Search for and retrieve requested records. Remove any: <ul style="list-style-type: none"> • Information about a third party • security or other sensitive information Provide records to FM. Note: Advise FM of the existence of the records that contain third party, information created by another agency or other security or sensitive information or where there is an overriding public interest against disclosure under sections 8 and 72 of the <i>GIPA Act</i> .	Staff member
4.	Provide copy of requested records / information to inmate If a formal access application is required advise: <ul style="list-style-type: none"> • the inmate a formal access application is required to be completed and provide with a <i>GIPA application form</i>. 	FM

4.3 Requests for a certified copy of an inmate's MIN card

A written request may be made by or on behalf of an inmate for a certified copy of the inmate's Master Index Number (MIN) card for legal matters or for the function of a rehabilitation and reintegration purposes. Rehabilitation and reintegration purposes includes external education services, an external program or employment.

When a request is made to the Governor/OIC of the correctional centre, a Functional Manager or other officer authorised by the Governor/OIC must assess the request to determine that it is for:

- a certified copy of a MIN card only, and
- only for an inmate's legal matter or for a rehabilitation and reintegration purposes.

A MIN card sticker printed from the Offender Integrated Management System (OIMS) can be printed or a photocopy of the inmate's original issued MIN card can be used. The copy must be attached to the *Verification of inmate MIN card* form, completed and signed by the inmate then verified and signed by a CSNSW staff member.

There is no limit to how many copies can be made and certified on request, other than any limit set by the Governor/OIC.

Note: The CSNSW staff member, by signing the form, is only verifying that the attached MIN card is a true copy of the original document and is in no way certifying the inmate's legal identity or identification. Any CSNSW staff member can sign this, they are not required to be a Justice of the Peace.

4.4 Procedure for providing a certified copy of an inmate's MIN card

	Procedure	Responsibility
1.	Assess that a written request is for: <ul style="list-style-type: none">• a certified copy of a MIN card and• the request is for an inmate's legal matter or for an approved rehabilitation or reintegration purposes.	Functional Manager (FM) or Authorised officer
2.	Allocate a staff member to print a MIN card sticker or photocopy the inmate's issued MIN card.	FM or Authorised Officer
3.	<ul style="list-style-type: none">• Attach a MIN card sticker or photocopy of the inmate's MIN card to the <i>Verification of inmate MIN card</i> form• Fill in Part A and B of the form and get the inmate to sign Part B• Complete and sign Part C of the form that certifies the above information.	Staff member
4.	Provide the completed and signed <i>Verification of inmate MIN card</i> form to the requesting inmate or agency.	Staff member

5 Requests for child protection records

5.1 Policy

All requests for existing records involving child protection must be referred to the Child Protection Coordination and Support Unit (CPCSU).

5.2 Procedures

	Procedure	Responsibility
1.	Email written request for existing records involving child protection pursuant to: <ul style="list-style-type: none">• Chapter 16A of the <i>Children and Young Person (Care and Protection) Act 1998</i> and• section 16 of the <i>Child Protection (Offenders Prohibition Orders) Act 2004</i> to the CPCSU at Child.Protection@dcj.nsw.gov.au .	Requesting agency
2.	Provide information/records as requested.	CPCSU

6 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

7 Definitions

CIG	Corrections Intelligence Group
CMF	Case Management File
CSNSW	Corrective Services NSW
CPCSU	Child Protection Coordination and Support Unit
CES&CM	Corrections Executive Services & Complaints Management
COPP	Custodial Corrections Operations Policy and Procedures
DCJ Legal	NSW Department of Communities & Justice Legal (formerly known as Office of the General Counsel (OGC))
GM	General Manager
ODPP	Office of the Director of Public Prosecutions
OGIP	The Department of Communities & Justice Legal and its Open Government, Information and Privacy Unit
OIMS	Offender Integrated Management System
GIPA Act	Government Information (Public Access) Act 2009
CIG	Corrections Intelligence Group
NSWPF	NSW Police Force
PCIU	Police Corrections Intelligence Unit
SAC	Sentence Administration Corporate
Statutory notice / order	A notice or order from a public agency or body having statutory power to compel the production of information/documents
Subpoena	A court order requiring the addressee to: (a) attend to give evidence; (b) produce the subpoena or a copy of it and a document or thing; or (c) do both of those things.
Summons	An official document requiring a person to give evidence at a Tribunal hearing, or to produce documents or things to the Tribunal.

8 Document information

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