

Custodial Operations Policy and Procedures

1.4 Privacy notice

Policy summary

Corrective Services NSW (CSNSW) has a statutory obligation to advise inmates of specific matters that relate to the collection of their personal and health information.

The notice titled '*Corrective Services NSW: Privacy and You*' (Privacy notice) must be issued to each inmate on reception.

The Privacy notice must also be displayed in locations visible to all inmates in the correctional centre, and a copy must be made available to an inmate on request.

Management of Public Correctional Centres Service Specifications

Service specifications	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 Privacy notice

1.1 Policy

CSNSW routinely collects personal and health information on inmates, and has a statutory obligation to ensure that inmates are advised of specific matters that relate to the collection of this information.

All reasonable steps must be taken to ensure that an inmate is advised prior to the information being collected, or as soon as is practicable after it is collected. The specific matters that an inmate must be informed of are:

- the fact that the information is being collected
- the purposes for which the information is being collected
- the intended recipients of the information
- whether the supply of the information by the inmate is required by law or is voluntary, and any consequences for the inmate if the information (or any part of it) is not provided
- the existence of any right of access to, and collection of, the information
- the name and address of the agency that is collecting the information and the agency that is to hold the information.

These requirements are not discretionary and are set out in section 10 of the *Privacy and Personal Information Protection Act 1998*, and clause 4 of Schedule 1 of the *Health Records and Information Privacy Act 2002*.

The Commissioner for Corrective Services has determined that the appropriate method of complying with these statutory obligations is by issuing each inmate with a Privacy notice on the inmate.

The Privacy notice needs only to be issued to the inmate once. There is no requirement for a Privacy notice to be issued to an inmate again if records indicate that it has been previously issued.

Records confirming a Privacy notice has been given to an inmate are to be made against the inmate's Master Index Number (MIN) in the Offender Integrated Management System (OIMS) by State Sentence Administration (SSA).

The Privacy notice is available in English, Arabic, Traditional Chinese and Vietnamese.

However, for inmates who speak or read a language other than these, a Community Language Allowance Scheme (CLAS) officer or the telephone interpreter service (if a CLAS is not available) should be used to interpret and explain the contents of the Privacy notice to the inmate.

If the inmate requires an interpreter in order to complete the *New Inmate Lodgement & Special Instruction Sheet* (includes the *Inmate identification and observation* form (IIO)) (**refer to COPP section to 1.1 Reception procedures**), the same interpreter should be used to translate and interpret the Privacy notice to the inmate (**refer to COPP section 11.1 Language services**).

If an inmate cannot read the Privacy notice, the officer must offer to read the Privacy notice to the inmate. If the inmate declines the offer, the officer is not required to read the Privacy notice to the inmate and it is deemed that the Privacy notice has been issued.

Privacy notices must be displayed in a location and position visible to all inmates in correctional centres, police and court cell complexes and transitional centres, to provide inmates with the opportunity to read the notice if they no longer have a copy. If an inmate requests a copy of the Privacy notice, it must be provided.

1.2 Procedures

	Procedure	Responsibility
1.	Issue a Privacy notice form to the inmate while completing an IIO form.	Authorised officer
2.	Mark Yes or No on the IIO form under the box to indicate whether the Privacy notice has been issued to the inmate.	Authorised officer
3.	Include a copy of the completed IIO form in the warrant file, which is to be given to SSA at the correctional centre when the inmate is received.	Authorised officer
4.	Update the <i>Privacy Notice Issued</i> field in the OIMS 'Intake-Personal Information' screen to reflect whether a Privacy notice has been issued to the inmate. If OIMS shows that a Privacy notice has not been issued, the FM is to be advised.	SSA
5.	Produce a Missing Data Report in OIMS on a weekly basis, to identify data fields which have not been completed. Notify the FM if this report indicates that a Privacy notice has not been issued to the inmate.	SSA
6.	Arrange for issue of the Privacy notice to the inmate, and notify SSA once completed.	FM
7.	Update the <i>Privacy Notice Issued</i> field in the OIMS 'Intake – Personal Information' screen.	SSA

2 Quick links

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

3 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures
CLAS	Community Language Allowance Scheme
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
IIO	Inmate Identification and Observation
MIN	Master Index Number
OIMS	Offender Integrated Management System
Privacy notice	<i>Corrective Services NSW Privacy and You</i>
SSA	State Sentence Administration
Health Information	Includes information or an opinion about the physical or mental health or a disability of an individual including details of medical conditions, self-harm attempts, psychological and psychiatric tests and reports. The full definition is in section 6 of the <i>Health Records and Information Privacy Act 2002</i> .
Personal Information	Includes information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. The full definition is in section 4 <i>Privacy and Personal Information Protection Act 1998</i> .

4 Document information

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1.0		Initial publication (<i>Replaces section 10.5 of the superseded Operations Procedures Manual</i>)
1.1	12/03/20	General formatting update and improvements