COPP 9.6 Access to Information

Prison

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| PrinciplesAs referenced in the Guiding Principles for Corrections Australia 2018:1.5.3 Prisoner/offender information is only released where there is a lawful purpose or duty of care prevails. 1.5.4 The exchange of prisoner/offender information occurs within a clear governance framework that supports the management of any risks to public safety and acknowledges the individual’s right to privacy. 1.5.5 Personal information concerning staff and prisoners/ offenders is stored securely and access is managed in accordance with legislation and privacy principles. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all public and private prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

Prisoners are entitled to access certain information associated with their sentence and management whilst in prison. The release of information to prisoners must be managed to ensure its release does not pose a risk to the safety and security of prisons, staff, prisoners or members of the community.

Information approved for release to a third party about a prisoner should be the minimum required to fulfil the request.

Department staff shall provide and receive prisoner information as required, necessary to perform their official duties.

# Information Available to Prisoners

## Information required to be provided to prisoners

### In accordance with legislation[[1]](#footnote-1) and [COPP 2.2 – Orientation](https://justus/intranet/prison-operations/Pages/prison-copps.aspx), the Superintendent shall ensure the following information is provided to the prisoner and the provision of this information is recorded on the Total Offender Management Solution (TOMS) in offender notes:

### Sentence Management records – providing information related to the prisoner’s remand or sentence, including:

### Remand Warrants/Warrants of Commitment/Bring Up Orders - refer [COPP 12.7 – Warrants](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### Prisoners Review Board decisions[[2]](#footnote-2) or Orders - refer [COPP 14.4 – Parole Applications](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### Sentence Summary Sheet or providing details of the prisoner’s expected date of discharge or eligibility for parole (Earliest Eligibility Date: EED)

### TOMS records – providing details of the prisoner’s allocated levels of gratuity transactions and private cash account details

### Offender Property Sheet or Western Australia (WA) Police Force P10 Property Receipt Form - providing an inventory of the prisoner’s property

### a copy of Form 1 Analyst Certificate[[3]](#footnote-3) where a body sample was taken for the purposes of drug testing - refer [COPP 10.4 – Prisoner Drug and Alcohol Testing](https://justus/intranet/prison-operations/Pages/prison-copps.aspx). The provision of this information to the prisoner must be recorded on TOMS

### Individual Management Plans – refer [COPP 2.3 – Assessments and Sentence Management](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### Primary or Regular Contact Reports - refer [COPP 10.3 – Case Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) (Case Officers)

### details of the supervision regime they are to be managed under, in accordance with:

* [COPP 4.9 – At-Risk Prisoners](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### [COPP 4.11 – Special Handling Unit](https://justus/intranet/prison-operations/Pages/prison-copps.aspx) (SHU)

### [COPP 10.1 – Prisoner Behaviour Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

* [COPP 10.5 – Prison Offences and Charges](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### [COPP 10.7 – Separate Confinement](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### Loss of Privilege Report (TOMS) - refer [COPP 10.1 – Prisoner Behaviour Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners may be provided with additional copies of the information listed under 3.1.1 on request.

### Prison Officers and Authorised Officers can provide prisoners with documents listed in [Appendix A – Documents Available to Prisoners outside of the Freedom of Information (FOI) Process](#_Appendix_A_–Documents) ([Appendix A](#_Appendix_A_–Documents)), on request. The provision of this information should be recorded on TOMS in offender notes.

# Information Requests Prisoners

## Requests by current prisoners for prison based records

### Superintendents shall ensure Information Release and Litigation Management (IRLM) are kept up to date with the name(s) and title(s) of the staff authorised to approve the release of information to prisoners, except the information required to be provided as detailed under section 3.

### The Authorised Officer shall assess the information requested by the prisoner that is not covered in section 3 or [Appendix A](#_Appendix_A_–Documents), in accordance with [Appendix B – Information Release Assessment Tool](#_Appendix_B_–), to consider any safety or security risks associated with the release of the information.

### Information considered to pose a safety or security risk (as set out in the Appendix B) shall include:

1. personal details of staff, other than the names of staff who have undertaken routine operational duties and no risk presents from release of the information. (note: routine operational duties may include where a staff member makes a recommendation or approves a report relating to a prisoner’s level of supervision or cell placement)
2. personal details of victims
3. personal details of other prisoners or third parties where release of the information may impact the safety and security of the community, party discussed or any other person
4. intelligence related information, including incident/security reports
5. information that if released, may be a risk to the safety and security of the prison, or
6. details of violent or sex related offence(s).

### Requests for information by prisoners currently located in the Special Handling Unit (SHU) must be approved by the SHU Committee, prior to the information being released. This does not apply to applications for information via the FOI process.

### Where the Authorised Officer assesses that the information poses a risk and does not authorise the release of information, the prisoner(s) shall be advised of the decision and that they may wish to consider applying for the information via the FOI process (refer to section 5).

### If there is any uncertainty about the release of information, advice should be sought from IRLM.

### The Authorised Officer shall complete a [Record of Documents Released](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) form for each request by a prisoner for information and send to Operational Information Management (OIM) for scanning into Content Manager.

### If authorised for release, the prisoner shall be provided the ‘Offender’ version of information on TOMS, where available.

## Requests by ex-prisoners for prison based records

### All requests for prison based records from ex-prisoners shall be referred to IRLM for processing under the *Freedom of Information Act 1992,* as soon as practicable.

### All requests from ex-prisoners, for information contained in the medical records shall be advised to make a request through their health care provider. The health care provider must be involved in the ongoing care of the ex-prisoner and must submit a request in writing, along with a signed consent form by the prisoner to the Department’s Health Information Management Services (HIMS). If the matter is urgent, HIMS shall refer the request to the Director, Medical Services for a decision to release the medical records.

### Where an ex-prisoner cannot make a request through their health care provider, they may make a request under the *Freedom of Information Act 1992* to IRLM for public prisons or the relevant FOI coordinators at private prisons.

### Requests by ex-prisoners for copies of other criminogenic treatment program reports, are to be forwarded to IRLM for prisoners at public prisons, or the relevant FOI coordinators at private prisons.

## Requests for community corrections records

### Prisoners may make requests for access to community corrections records through a Community Corrections Officer who shall progress the request in accordance with the [Adult Community Corrections Handbook](https://justus/intranet/community-corrections/Pages/handbook.aspx) or, depending upon the location of the records, may forward the request to IRLM.

## Prisoner consent to release information to a third party

### Where a prisoner requests information associated with their imprisonment be released to a third party, they must provide written consent, by completing Section A of the [Prisoner Consent for Release of Information](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) form.

### Information may be released where the third party is acting in an advocacy capacity (e.g. friends, relatives, community organisations) for the prisoner’s benefit. Third parties must supply their letter of authority or guardianship order to ensure the information released aligns to their authority.

### All written consent requests made by a prisoner shall be assessed in accordance with this COPP, to determine the suitability of information for release by the prison.

### Where a prisoner requests to withdraw their consent, they shall complete the [Prisoner Consent for Release of Information](https://justus/intranet/prison-operations/Pages/copp-forms.aspx). form Section B

# Freedom of Information Requests by a Prisoner

### Requests for information by prisoners not listed in section 3 and section 4, shall be forwarded to IRLM for processing in accordance with legislation[[4]](#footnote-4).

### Prisoners are able to apply for access to Departmental information at any stage during or after their imprisonment, through the FOI process.

### If the prisoner indicates that they are applying under FOI, the Authorised Officer shall assist the prisoner to submit their application in writing as soon as practicable to:

### IRLM if the information requested is from a public prison or

### the relevant FOI coordinator for information from a private prison, to ensure statutory time limits can be met. The prisoner must sign the application.

### If the information requested by a prisoner through an FOI application is available under section 3 or section 4, the prisoner can be provided with the information; the prisoner shall complete and sign a [Record of Documents Released](https://justus/intranet/prison-operations/Pages/copp-forms.aspx) form. If the prisoner refuses to sign the form, their application and a copy of the information released to the prisoner, shall be provided to IRLM as soon as practicable.

### All requests for documents that have been assessed by the Authorised Officer as not able to be released at the local level, must be forwarded as soon as practicable to IRLM for prisoners at public prisons, or the relevant FOI Coordinators at private prisons, to ensure statutory time limits for release of information can be met.

### If there is any uncertainty about the release of information, advice should be sought from IRLM.

## Requests for medical records

### **Prisoners in custody** - medical or psychiatric information is usually shared with a prisoner during the course of a consultation.

### All formal requests by prisoners for copies of medical records, including counselling file notes shall go through IRLM for prisoners at public prisons, or the relevant FOI coordinators at private prisons.

## Requests for psychological records and reports

### Requests made by prisoners and ex-prisoners for access to their psychological records shall be directed to IRLM for processing in accordance with legislation[[5]](#footnote-5) and section 5.

# Disclosure of Information to Third Parties

## Community safety

### The Commissioner, as delegated by the Director General, may disclose information to the public about a prisoner, where the Commissioner is of the opinion that it is necessary to do so for the safety of the community[[6]](#footnote-6) (e.g. when a prisoner escapes legal custody).

## Deaths in custody

### Following the death of a prisoner, requests for, and the disclosure of information associated with the death shall be undertaken in accordance with [COPP 13.2 – Death of a Prisoner](https://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Referring alleged criminal acts by prisoners or visitors to WA Police Force

### From time to time, prison staff who have referred an alleged criminal offence by a prisoner or visitor to a prison to the WA Police Force, may be required to provide the WA Police Force with information pertaining to the alleged criminal offence.

### Where WA Police Force assistance is requested to investigate the alleged criminal offence, the Superintendent/Officer in Charge or the Authorised Officer (i.e. Security Manager) shall provide the WA Police Force with:

1. any physical evidence collected in accordance with [Policy for Gathering and Preservation of Evidence, Continuity of Exhibits](https://justus/communities/security-intelligence/security-response/SiteAssets/Gathering%20Evidence%20Policy.pdf) and [Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory Control](https://justus/communities/security-intelligence/security-response/SiteAssets/Gathering%20Evidence%20Procedures.pdf).
2. [TO](https://justus/intranet/prison-operations/Documents/Gathering-Evidence-Policy.pdf)MS Incident Reports pertaining to the incident
3. copies of photographs or video taken during the incident, and
4. any other information deemed relevant to the investigation, as determined by the Superintendent.

### The Superintendent/Officer in Charge or the Authorised Officer (i.e. Security Manager), prior to approving and authorising the release of information, shall assess whether the information within the Incident Report contains any of the following details:

1. personal details of staff or third parties (other than names and TOMS ID numbers)
2. information, that if released, may affect the safety and security of the prison or any person in the prison or community, or
3. medical information.

### If the Incident Report includes information detailed in section 6.3.3 and indicates possible safety or security issues if released, advice may be sought from Intelligence Services.

### The Superintendent/Officer in Charge or the Authorised Officer (i.e. Security Manager), when handing over information to the WA Police Force shall:

### Provide the following disclaimer to the WA Police Force member receiving the information:

### *'The Department of Justice notes that the production of this material is for the purpose of furthering a WA Police investigation. If charges are laid and the attached material becomes evidentiary material and therefore disclosable under the Criminal Procedure Act of 2004 (WA), we ask that you liaise with the Department before any disclosure of the materials takes place. This will enable the Department to consider if there are compelling public interest reasons for a non-disclosure order to be applied for under s138 of the Criminal Procedure Act 2004 (WA) by those prosecuting the matter’*

### obtain a receipt and forward to the prison’s Security Manager, and

### complete a TOMS Incident Report minute, recording items and information handed over, in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications.](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

### The Superintendent/Officer in Charge or the Authorised Officer (i.e. Security Manager) shall manage requests by WA Police Force in accordance with section 7.9, for any information other than for the purpose of the investigation or details outlined in section 6.3.

# Requests for Information by Third Parties

## General enquiries about a prisoner

### Prison Officers may only provide the details of the prison where a prisoner is located in response to an enquiry, once the person’s identity has been established, the legitimacy of the request for information confirmed and the prisoner has consented to the release of the information.

**Note:** Prison Officers can only confirm a prisoner’s location for the prison they work in.

### Prison Officers responding to an enquiry that relates to an ex-prisoner, shall only advise the person that there is no one by that name in prison custody. Prison Officers shall not give any indication that a person has ever been in custody or that a record is held.

### Prison Officers shall not give out any information relating to release dates, details of offences etc. and advise anyone seeking this information to write to or visit the prisoner concerned.

### Prison Officers may seek advice from IRLM, if there is any uncertainty about the release of information.

## Requests by family or friends

### Prison Officers when establishing the identity of a family member or friend making a request for information regarding a prisoner shall conduct a check on TOMS:

1. to review the prisoner’s contact list and confirm if the person has previously visited
2. for any alerts, e.g. Violence Restraining Order (VRO), Family Violence Restraining Order (FVRO), Misconduct Restraining Order (MRO).

### Prison Officers shall ask the prisoner to confirm if they have agreed to disclose their location.

### Prison Officers shall advise the family member or friend to submit their request in writing to the prison, if the prisoner:

### does not wish for their location to be disclosed and/or

### is subject to a current VRO, FVRO or any other type of order.

## Identifying legal representatives, law enforcement officers or other specific agencies

### Legal representatives, law enforcement officers or other specific agencies may make a request for information regarding a prisoner.

### Prison Officers, shall establish the identity and, where relevant, credentials of the legal representative, law enforcement officer or other specific agency as follows:

1. review the prisoner’s contact list on the Visits Module on TOMS
2. confirm the prisoner has agreed to disclose their location
3. directly contact the agency to confirm the person’s details
4. review or contact the [Legal Practice Board of Western Australia](https://www.lpbwa.org.au/Practising-certificates/Search-the-legal-profession-in-Western-Australia) where applicable.

### Prison Officers shall advise the legal representative to submit their request in writing via email to the prison, detailing:

1. the name of the lawyer and/or legal office information to identify the prisoner
2. confirm the legal representative currently represents the prisoner.

## Requests from victims

### Where a person identifies themselves as a victim of a prisoner’s offence and makes a request for information, the requests must be referred to the Victim Notification Registry.

### Prison Officers shall treat victims with courtesy and ensure their requests are dealt with expeditiously[[7]](#footnote-7).

## Requests for medical records

### The following third parties may request medical records of current and released prisoners with the exception of Pre-Sentence Reports:

1. health care providers:
* requests from Health care providers shall be referred to the Health Information Management System (HIMS)for their assessment and determination. Generally, the health care provider must be involved in the ongoing care of the prisoner
* Information will be shared with clinicians providing ongoing care to the prisoner in accordance with [Health Services Policy CG09 Patient Confidentiality and the Release of Patient Information](https://justus/communities/health-services/Policy%20and%20Procedure%20Documents/CG09%20Patient%20Confidentiality%20and%20the%20Release%20of%20Patient%20Information.pdf)
1. requests from legal representatives shall be made directly to IRLM
2. requests from law enforcement agencies shall be made directly to IRLM
3. requests from specified statutory bodies shall be in accordance with section 7.10.

### The above third parties may make urgent requests for medical records of current and released prisoners:

1. where the release of information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned, or other persons; information may be released by a Senior Nurse or Prison Medical Practitioner
2. where the request is received from an external party, the name and legitimacy of the person making the request and the reason for which the information is required must be obtained prior to any information being released.

### All other requests by third parties may be directed to IRLM.

* 1. **Requests for psychological reports**

### Requests from third parties for information contained within psychological reports are to be directed to IRLM.

## Court ordered requests or requests authorised by legislation

### All requests for documentation required to be produced for the purpose of litigation through subpoenas and/or discovery orders, or information the Department is compelled by statute to produce, are to be referred to IRLM.

## Requests from legal representatives

### Requests by legal representatives for any information other than a prisoner’s current prison location are to be made, in writing, directly to IRLM. Prison staff shall only confirm the prisoner’s current prison location in response to any telephone enquiries from legal representatives.

## Requests from law enforcement agencies

### Requests from a law enforcement agency (e.g. WA Police Force, Australian Federal Police, Corruption and Crime Commission, Australian Criminal Intelligence Commission) for Orders to Produce Business Records shall be referred directly to IRLM.

### Search warrants served on prisoners by law enforcement agencies to search/seize their personal property shall be facilitated by the prison where the warrant was served. Prison Officers shall complete the following:

### document any items taken/signed out to the law enforcement agency on the TOMS property module;

### record the details of the search warrant on the offender’s notes on TOMS, and

### place the warrant (or copy of the warrant) and the completed property receipt on the prisoner’s C220 file.

* + 1. All other requests for information from law enforcement agencies for intelligence purpose shall be referred to Intelligence Services, email: intelligenceservices@justice.wa.gov.au, who shall assess the nature and reason(s) for the request, considering the following:
1. the personal details of staff (refer section 7.9.5) or other parties can be provided
2. if information can be provided for intelligence purposes (information requested for court or evidence that requires the submission of an Order to Produce Business Records or equivalent to IRLM as per section 7.9.1), and
3. information, that if released or not released, may affect the safety and security of the prison, or any person, whether in the prison or community.
	* 1. Intelligence Services as a central point of contact, shall ensure all enquiries and any information disseminated is recorded and available for verification and audit.
		2. Intelligence Services shall ensure any information disseminated to a law enforcement agency does not identify any staff member, other than to acknowledge they are a Departmental employee; or when they are subject to a threat by a prisoner that may require further investigation by the police.
		3. Intelligence Services shall consult with the staff member in all cases where their identity is requested for intelligence purposes and where applicable, advise where a legal instrument, such as a warrant is issued, for the original document.

### Staff shall give the prison address when providing a statement to a law enforcement agency in relation to an event that has occurred as part of, or in connection to, their Departmental duties.

## Requests from specified statutory bodies

### **Office of the Inspector of Custodial Services (OICS)** – The OICS has free and unfettered access to documentation related to a prison or a person who is, or has been, a prisoner[[8]](#footnote-8).

### Requests made by the OICS for intelligence or medical related information shall be referred to Assurance, Planning and Performance (email: OICSCoordination@justice.wa.gov.au), who will forward to the relevant business area as required.

### Prison staff shall respond to any other official enquiry from the OICS, including the provision of requested documentation*.*

### If there is any uncertainty about the release of information, advice may be sought from the Senior Coordinator Reviews and Business Improvement, Assurance, Planning and Performance.

### **Office of the Information Commissioner[[9]](#footnote-9)** – any requests for information and documentation shall be referred to IRLM.

### **Parliamentary Commissioner[[10]](#footnote-10) for Administrative Investigations** (commonly known as WA Ombudsman) – Prisons can supply documents directly to the WA Ombudsman on request. Requests for information and larger requests should be directed to:

1. Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au
2. Women and Young People: wyp@justice.wa.gov.au

### **Government agencies** – prison staff shall direct all requests for information and documentation from other government agencies to IRLM.

## Requests from media organisations

### All media enquiries for information or documentation shall be referred directly to the Department’s Public Affairs Branch, except for FOI applications, which should be referred to IRLM.

# Annexures

## Related COPPs and documents

**Related COPPs**

* COPP 2.3 – Assessment Sentence Management
* [COPP 4.9 – At-Risk Prisoners](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.11 – Special Handling Unit](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 9.2 – Prisoner Requests, Complaints and Grievances](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.1 – Prisoner Behaviour Management](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.3 – Case Management (Case Officers)](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.7 – Warrants](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communications](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.2 – Death of a Prisoner](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.4 – Parole Applications](https://justus/intranet/prison-operations/Pages/prison-copps.aspx)

**Related Documents**

* [Adult Community Corrections Handbook](https://justus/intranet/community-corrections/Pages/handbook.aspx)
* [Reporting Misconduct: A Guide for Reporting Misconduct in the Department of Justice](https://justus/intranet/department/standards/Pages/reporting-misconduct.aspx)
* [Health Services Policy: CG09 Patient Confidentiality and the Release of Patient Information](https://justus/communities/health-services/Policy%20and%20Procedure%20Documents/CG09%20Patient%20Confidentiality%20and%20the%20Release%20of%20Patient%20Information.pdf)

## Definitions and Acronyms

| Term | Definition  |
| --- | --- |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |
| Community Corrections Officer  | A person appointed as a Community Corrections Officer as defined in s.98 *Sentence Administration Act 2003.* |
| Guiding Principles for Corrections in Australia, 2018  | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Prison based records | Records held at the prison concerning the prisoner making the request. These records do not include medical records, community correction records, psychological records or records pertaining to treatment programs. |
| Prisoner | Any person in lawful custody and referred to as a prisoner in s.3 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html); also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the court security and custodial services contract |
| Special Handing Unit (SHU) | As declared by the Commissioner for Corrective Services, the 17cell secure unit to the east of the multipurpose area at Casuarina Prison for the confinement of prisoners who pose a major threat to the prison system. |
| Superintendent | The Superintendent as defined in s.36 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) includes any reference to the position responsible for the management of a private prison under Part IIIA [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). This does not extend to the OIC of the prison. |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of prisoners in custody. |
| Victim Notification Register  | Victim Notification Register is an information service for victims of crime |

## Related legislation

* *Inspector of Custodial Services Act 2003*
* *Prisons Act 1981*
* *Prisons Regulations 1982*
* *Sentence Administration Act 2003*
* *Victims of Crime Act 1994*
* *Freedom of Information Act 1992*
* *Parliamentary Commissioner Act 1971*

# Assurance

It is expected that:

* Prisons shall undertake local compliance in accordance with the [Compliance Manual](Compliance%20Framework).
* The relevant Deputy Commissioner shall ensure that management oversight occurs as required.
* Operational Compliance Branch shall undertake checks in accordance with the [Operational Compliance Framework](Compliance%20Framework).
* Independent oversight shall be undertaken as required.

# Document Version History

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective Date |
| 1.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 29 December 2021 | 24 January 2022 |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 24 August 2022 | 24 August 2022 |
| 3.0 | Operational Policy | Approved by the Commissioner Corrective ServicesMemo Reference: D23/814929CM Ref: S2378368 | 30 November 2023 | 1 December 2023 |
| 4.0 | Operational Policy | Approved by the Deputy Commissioner Operational Support CM Ref: S24/44529 | 17 June 2024 | 5 July 2024 |

Appendix A – Documents available to Prisoners outside of the Freedom of Information (FOI) Process

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| **Document Description** | **Document Location** |
| **\*** Please note on completion, all hard copy documents shall be forwarded to Operational Information Management for scanning into Content Manager |
| Admission of Prisoners to Public Hospitals Contract form | \*Unit File/ Content Manager |
| Appeal Against Prisoners Review Board Decision (by prisoner) | \*Unit File/ Content Manager |
| Application for Remand Prisoners to be Employed in Prison | \*Prisoner File/ Content Manager |
| Parole Application for Review | \*Prisoner File/ Content Manager |
| Application for Unconvicted Prisoners to be Treated as a Convicted Prisoner | \*Unit File/ Content Manager |
| Application for Self-Care Unit | \*Prisoner File/ Content Manager |
| Application for Work Transfer | \*Unit File/ Content Manager |
| Application to Receive Visits from Children | TOMS |
| Approval for Transfer (C. 258) | TOMS |
| Analysis Request form | TOMS |
| Cell Allocation and Room Check on Arrival and Departure | \*Unit File |
| Charge History – Offender Copy | TOMS |
| Confinement Regime Rules | \*Unit File |
| Record of the correspondence to and from Prisoner (not the actual correspondence) | TOMS, \*Prisoner and \*Unit File / Content Manager |
| Record of the correspondence to and from Prisoner’s Solicitor (not the actual correspondence) | TOMS and \*Prisoner File/ Content Manager |
| Director’s Decision on Medical/Psychiatric records or reports | \*Prisoner File/ Content Manager |
| Early Discharge form | TOMS |
| Exit Interview | TOMS |
| Inventory of Property taken from Prisoner (P10 – WA Police Force document) | \*Prisoner File/ Content Manager |
| Inventory of Prisoner’s Property | TOMS |
| Loss of Privileges | TOMS |
| Medical Certificate | \*Unit File/ Content Manager |
| Notice of Appeal (Supreme Or District Court) | TOMS |
| Notification of Next of Kin in the Event of Life Threatening Illness or Injury | TOMS |
| Order to Bring up a Prisoner | TOMS |
| Order for Separate Confinement (Section 43) | \*Prisoner File/ Content Manager |
| Order for Cancellation of Parole | TOMS |
| Order for Suspension of Parole | TOMS |
| Orientation Procedure Stage 1 - Local Induction | TOMS |
| Orientation Procedure Stage 2 - General | TOMS |
| Outcome of Appeal (Supreme or District Court) | TOMS |
| Parole Order and Schedule | TOMS |
| Prisoners Review Board Decision | TOMS |
| Prisoner Application for Early Discharge and Place of Discharge | TOMS |
| Prisoner Protective Custody Waiver | TOMS |
| Prisoner Visits Record | TOMS |
| Recommendation for Prisoner Regression to a lesser Privilege Regime | TOMS |
| Release and Indemnity by a Prisoner Permitted to Remain in Prison following the Due Discharge Date | TOMS |
| Request for an Order to Bring up a Prisoner to Court (Request from DPP) | TOMS |
| Request to Transfer Cash form | TOMS |
| Telephone Index Sheet | PTS |
| Unit Conference Decision slip | TOMS |
| Unit Interview form | \*Unit File/ Content Manager |
| Warrant Remanding a Prisoner | TOMS |
| Warrant Summary sheet | TOMS |
| Warrant of Commitment on a Conviction where the Punishment is by Imprisonment | TOMS |

Appendix B – Information Release Assessment Tool

This process shall be applied to each request made by a prisoner for prison based records **only** which is not covered within this COPP, not for medical or programme records, in accordance with this COPP. The prisoner shall be provided with the approved documentation where the response is a ‘No’ to point 8.



Appendix C – Relevant Contacts

The contact details for those positions referenced throughout this COPP are:

|  |  |  |
| --- | --- | --- |
| **Position** | **Phone** | **Email** |
| Assistant Director Offender Programs | +61 8 9230 2056 | No generic email address |
| Assurance, Planning and Performance (OICS related matters) | +61 8 9264 1337 | OICSCoordination@justice.wa.gov.au |
| Director Health Services | +61 8 9264 1360 | No generic email address |
| Information Release and Litigation Management | +61 8 9264 1849+61 8 9264 1124 | foi@justice.wa.gov.au for FOI requests or queriesinformationrelease@justice.wa.gov.au for all other information release requests or queries |
| Director Intelligence Services | +61 8 9264 9656 | intelligenceservices@justice.wa.gov.au |
| Team Leader Health Information Management  | 1800 077 735 | cmr@justice.wa.gov.au |
| Coordinator Ministerial Liaison Unit | +61 8 9264 6411 | mintask@justice.wa.gov.au |
| Public Affairs | +61 8 9264 1451 | No generic email address |
| Victim Notification Registry | +61 8 9425 28701800 818 988 | vnr@justice.wa.gov.au |

1. r. 51(1) *Prisons Regulations 1982* [↑](#footnote-ref-1)
2. s. 107B(1) *Sentence Administration Act 2003* [↑](#footnote-ref-2)
3. r. 27 *Prisons Regulations 1982* [↑](#footnote-ref-3)
4. *Freedom of Information (FOI) Act* *1992* [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. s 112 *Prisons Act 1981* [↑](#footnote-ref-6)
7. s. 3 (1) and schedule 1 *Victims of Crime Act 1994* [↑](#footnote-ref-7)
8. s. 28 *Inspector of Custodial Services Act 2003* [↑](#footnote-ref-8)
9. s. 55 *Freedom of Information Act 1992* [↑](#footnote-ref-9)
10. Division 3 *Parliamentary Commissioner Act 1971* [↑](#footnote-ref-10)