

Protocol for the release of data relating to the operations of the ACT Courts

Application

1. This protocol sets out the policy and general procedures for the release of data relating to the operation of the ACT Courts.
2. The protocol does not apply to the release of information (including judgments) by or at the direction of judicial officers.
3. The protocol does not apply to the release of information that is regulated by the *Court Procedures Rules 2006* (ACT).

Key Principles

1. The Courts will control access to the data that is generated in connection with their operations.
2. When implementing this protocol, in addition to complying with privacy, freedom of information and other relevant laws, the Courts will endeavour to promote transparency of process, access to justice and the privacy of vulnerable persons.
3. Data requests must be approved by the head of jurisdiction prior to the release of data.
4. In deciding whether a request to provide data will be met, consideration may be given to:
 - whether the same or similar data is publicly available – where possible, a requestor will be referred to existing publicly available data;
 - whether the extraction or collation of the data has significant resource implications for the court/s;
 - the legitimate interests of the requestor (including whether the requestor requires access to the data in order to fulfil legal responsibilities, such as responsibilities under a Commonwealth or Territory law);
 - the public interest in releasing the data.
5. The Courts acknowledge that the Justice and Community Safety Directorate (JACS) and the relevant Minister have funding, reporting and other responsibilities associated with the Courts. The Courts will provide data relevant to those responsibilities in accordance with administrative arrangements, which are to be contained in a written protocol agreed between the Courts and JACS.

6. In relation to other bodies that may make frequent data requests, the Courts and any such requestor may agree on a protocol for the release of data that stipulates the requestor's obligations in relation to:
 - the purpose and nature of access;
 - the storage, usage and disposal of the data;
 - whether and in what circumstances the data may be passed to third parties.
7. In general, a recipient of data under this protocol is not to release that data to a third party without the prior approval of the relevant head of jurisdiction.
8. In general, before it is released, data will be de-identified.
9. The Courts' case management systems will endeavour to support the implementation of these key principles.

Scope of data covered by this protocol

This protocol includes but is not limited to the following types of data request:

1. data sought in relation to the development, management or support of court/s business;
2. data sought by the executive in response to Ministerial inquiries and parliamentary questions;
3. data requested by or on behalf of the media;
4. data sought in connection with evaluations, reviews, policy and legislative development;
5. data sought for reporting processes, including data requested for annual reporting by the executive, ABS reporting and data sought for RoGS purposes; and
6. data requested by researchers.

Processing of data requests

1. Any request for data must be in writing to the Principal Registrar (written requests include email requests).
2. Requests for data will be recorded in a register.
3. Memoranda of understanding and any written protocol relating to the release of data will be kept in a register.

4. Prior to a data request being conveyed to the head of jurisdiction for consideration, the Principal Registrar will review the request in the context of the key principles, and the results of the review will be provided to the head of jurisdiction, together with a recommendation about whether the data should be released and, if so, upon what terms.