

UMSU Legal Service

Information Barriers Policy

Policy number: 009	Date adopted: 12.11.2014	
Authorised by: Phoebe Churches, Manager, Advocacy & Legal		
Date last reviewed: 10.11.2016	Reviewed by: A & L SAG	Date of next review: 10.11.2017

Policy context: This policy relates to:	
Standards or other external requirements	NACLCL Mandatory Standards 12, 13 and 20.8
UMSU standards	
Legislation or other requirements	<u>Legal Profession Uniform Law Application Act 2014 (Vic)</u> <u>Legal Profession Uniform General Rules 2015</u> <u>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</u> <u>Legal Profession Uniform Legal Practice (Solicitors) Rules 2015</u>

POLICY STATEMENT

The Legal Service is co-located with the UMSU Advocacy Service as part of the Advocacy & Legal Division of UMSU. The Service is not incorporated in its own right, but is part of a larger incorporated body - UMSU.

In order to avoid potential and actual conflicts of interest and the risk of breaching client confidentiality and/or loyalty which may arise due to the location of the Legal Service within the larger organisation, the following measures will be taken to identify the Legal Service as clearly separate from the other services within the division and UMSU itself for the purposes of assisting clients.

Establishment of information barriers

The Legal Service has established an 'information barrier' to ensure that there is no real and sensible possibility of misuse of confidential information. Open client files are held only by the Solicitor and the Principal Solicitor who are Australian Legal Practitioners within the meaning of the *Legal Profession Uniform Law*. Open files are maintained in locked filing cabinets in the Solicitor and Principal's office. Apart from the Legal Service solicitors, the only other staff members with access to Legal Service files (both hard copy and electronic) are the Student Services Officer and the Manager, Advocacy & Legal and only for the following specific purposes:

The Student Services Officer may only access Legal Service files in order to:

- open or close a file on the instructions of the Principal Solicitor; or
- enter a new client into the SueMe database.

The Manager, Advocacy & Legal may only access Legal Service files in order to:

- complete casework where relevant; or
- handle complaints or for employment accountability purposes.

No other staff from UMSU will have any access to Legal Service client information including appointments, messages or the hard or electronic versions of client files.

The information barrier will comply with the requirements of the Information Barrier Guidelines produced by the Law Institute of Victoria.

Legal advice will only be provided in a confidential manner in accordance with relevant professional legal obligations and related Legal Service policies. No advice or identifying information will be disclosed except for purposes required by law.

In accordance with the Conflict of Interest Policy, the Legal Service Charter excludes student against student matters and matters where the other party is a staff member of UMSU from its ambit. Therefore, there is no risk of opposing parties waiting for appointments in the same waiting room or of UMSU staff being able to access confidential information.

‘Identity’ separation

The Legal Service maintains a distinct letterhead and name, to avoid the perception of conflict of interest between the Legal Service and other UMSU services.

DOCUMENTS

Documents related to this policy	
Related policies	Privacy Policy Conflict of Interest Policy Confidentiality Policy
Forms or other organisational documents	Legal Service Charter Internal Legal Service Operating Procedures
Policy review frequency: Annually	Responsibility for review: A & L SAG
<p>Review process: The Advocacy & Legal Student Advisory Group in conjunction with the Principal Solicitor has responsibility for leading the review of this policy. The process for reviewing the policy includes:</p> <ul style="list-style-type: none"> • Assessment of policy implementation to date; • Those covered by the policy are provided with the opportunity to give feedback; • All feedback and suggestions will be considered by the review of the policy; • Proposed changes will be presented to UMSU staff to achieve consensus; • A & L SAG will endorse the finalised policy; and • The policy will be available on the Legal Services web page. 	