

## UMSU Legal Service

### Email Policy

Policy number: 003	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

<b>Policy context:</b> This policy relates to:	
Standards or other external requirements	NACLC Mandatory Standards 14.10 and 19.4
UMSU standards	Intake, Information & Referral Policy Advice & Casework Policy Casework Guidelines File Management Policy Confidentiality Policy
Legislation or other requirements	<a href="#"><u>Legal Profession Uniform Law Application Act 2014 (Vic)</u></a> <a href="#"><u>Legal Profession Uniform General Rules 2015</u></a> <a href="#"><u>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</u></a> <a href="#"><u>Legal Profession Uniform Legal Practice (Solicitors) Rules 2015</u></a>

#### INTRODUCTION

Email is not a secure or confidential form of communication. Emails may be compromised by unintended redistributions, or due to inadequacies in current technologies to protect against unauthorised access. Users should be aware of these risks and should take all precautions when using email to communicate confidential or sensitive material.

#### POLICY STATEMENT

The purpose of this policy is to ensure the proper use of UMSU Legal Service's email system and to ensure that provision of electronic legal advice is handled in an appropriate manner.

#### SCOPE

This policy applies to all electronic communication of the UMSU Legal Service and to all staff, volunteers and representatives of UMSU Legal Service.

#### *Legal risks*

Users are obliged to use email in a responsible, effective and lawful manner. To this end, users must not send or forward emails containing any defamatory, discriminatory or obscene content and users must not unlawfully or inappropriately forward confidential information.

#### *Disclaimer*

The following disclaimer must be added to every outgoing email:

*NOTICE - This communication contains information which is confidential and the copyright of the University of Melbourne Student Union (UMSU) or a third party. This e-mail and all attachments are confidential and may be subject to a claim of legal privilege. If you are not the intended recipient of this communication please delete and destroy all copies and telephone or email the UMSU Advocacy & Legal Service on: (03) 8344 6546 or*

[legal@union.unimelb.edu.au](mailto:legal@union.unimelb.edu.au) immediately. If you are the intended recipient of this communication you should not copy, disclose or distribute this communication without the authority of the UMSU Legal Service. Any views expressed in this communication are those of the individual sender, except where the sender specifically states them to be the views of the UMSU. Except as required at law, UMSU does not represent, warrant and/or guarantee that the integrity of this communication has been maintained nor that the communication is free of errors, virus, interception or interference.

#### *Initial client contact*

Generally, initial instructions should not be obtained from new clients via email. It can be difficult to ascertain by email whether the client is providing all relevant information so that accurate advice can be provided.

Where a client's initial inquiry can be resolved by providing information and/or referral only, email may be used.

Where a client is seeking detailed legal advice in an initial email contact, the client should be contacted by telephone as soon as possible to ensure a conflict check is conducted, full instructions are obtained, proper advice is provided and clarification as to the client's understanding of that advice can be confirmed.

#### *Authority from client to use email*

Once instructions have been obtained, email may be a convenient way to communicate with clients. The solicitor with carriage of the matter will need to decide in consultation with the client whether email is an appropriate method of communication. If so, the client should provide an email address. It may be their own or that of a preferred and trusted third party. Authority from the client to communicate with them by email should be sought and recorded by making a note of the client's instruction on the client's file.

Confidentiality is paramount. This is especially important in relation to domestic violence and family law where it is not uncommon for people living together to have access to the one email account. Work email accounts may be scanned by employers. The staff member contemplating using email should discuss these possibilities with the client before sending information by email.

#### *Email procedures for existing clients*

The format of emails should be similar to that of a letter from the UMSU Legal Service and subject to the same standard of care in drafting. Other than short email messages, the standard form of correspondence via email should attach a letter (in a non-alterable format e.g. PDF) signed by the staff member.

Do not say anything in an email that you are not prepared to see in a letter or in an exhibit at court. All emails, sent and received, relating to client matters must be printed and placed in their file or attached to an advice memo.

If confidential information is received by email it should be printed and its confidentiality protected in the same way as other hard copy material on file.

All email signatures must include your name, position and the name of the Legal Service and the disclaimer.

Emails should be directed to the staff members' individual email account, not the UMSU Legal Service mailbox. Messages or attachments should not be copied or forwarded without first acquiring permission from the sender.

*Volunteers use of email*

Volunteers **MUST NOT** communicate with clients via email unless under the strict direction and supervision of a solicitor or person nominated by a solicitor. Volunteers are only permitted to use the xxxxx@union.unimelb.edu.au email address allocated to volunteers of the Legal Service. Under no circumstances will volunteers be permitted to use a personal or student email address to undertake any work arising from their engagement in a volunteer program with the Legal Service.

**DOCUMENTS**

Documents related to this policy	
Related policies	Code of Conduct Policy
Forms or other organisational documents	Legal Service Charter
Policy review frequency: Annually	Responsibility for review: A & L SAG
<p>Review process: The Advocacy &amp; 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"> <li>• Assessment of policy implementation to date;</li> <li>• Those covered by the policy are provided with the opportunity to give feedback;</li> <li>• All feedback and suggestions will be considered by the review of the policy;</li> <li>• Proposed changes will be presented to UMSU staff to achieve consensus;</li> <li>• A &amp; L SAG will endorse the finalised policy; and</li> <li>• The policy will be available on the Legal Services web page.</li> </ul>	