



# Disclosing personal information to law enforcement agencies procedure

Version: 5.1 | Version effective: 09/11/2023

## Audience

Department-wide

## Purpose

This procedure outlines the circumstances and process under which Department of Education (DoE) employees may disclose personal information to a law enforcement agency (LEA).

## Overview

Any DoE employee may disclose non-student personal information to a LEA for specific purposes, including preventing a serious risk to life, health or safety; or preventing or investigating a criminal offence.

Certain DoE employees, including principals, are [delegated by the Director-General under the Education \(General Provisions\) Act 2006](#) to disclose student personal information with LEAs for specific purposes, including to assist in averting a serious risk to life, health or safety; preventing or investigating a criminal offence; or when sharing the information is in the public interest.

Full details of the purposes and circumstances when information can be disclosed are outlined below and in the [Quick guide to disclosing personal information to a law enforcement agency](#).

Under Information Privacy Principles 11(1)(c) and 11(1)(e)(i) in the [Information Privacy Act 2009](#), an employee in the course of their duties can disclose non-student personal information if reasonably satisfied:

- it is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- it is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or breach of a law imposing a penalty or sanction.

Under sections 426 (4)(e)(i), (4)(e)(ii) and (4A) of the [Education \(General Provisions\) Act 2006](#) (EGPA) a [delegated officer](#) can disclose student personal information if reasonably satisfied:

- it is necessary to assist in averting a serious risk to the life, health or safety of a person, including the person to whom the information relates; or

- the disclosure is in the public interest; or
- it is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or breach of a law imposing a penalty or sanction.

The disclosure of personal information may occur either at the request of a LEA or on the DoE employee's own initiative.

Distinct departmental procedures apply for [student protection reporting](#), [reporting allegations against employees in the area of student protection](#) and [sharing information under the \*Child Protection Act 1999\*](#).

## Responsibilities

### All employees

- Refer requests for student personal information to a [delegated officer](#) for action.
- Only disclose non-student personal information if reasonably satisfied:
  - it is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
  - it is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or breach of a law imposing a penalty or sanction.
- Act and make decisions about disclosing personal information in a way that is compatible with [human rights](#).

### Director-General or delegated officers of the Director-General

In addition to the above:

- Respond to requests for student personal information.
- Only disclose student personal information if reasonably satisfied:
  - it is necessary to assist in averting a serious risk to the life, health or safety of a person, including the person to whom the information relates; or
  - it is necessary for the prevention, detection, investigation, prosecution or punishment of a criminal offence or breach of a law imposing a penalty or sanction; or
  - the disclosure is in the public interest.

## Process

### Disclosing information when requested by a LEA

1. An employee receives a request for personal information from a LEA, either verbally (if urgent); via email; or by receiving a [LEA form](#) with Parts A and B completed by the LEA. A LEA officer of any rank can request information.
2. If the request relates to student personal information, employees must provide the request to a [delegated officer](#) for action as follows.

3. Employees (non-student personal information) and delegated officers (student personal information) will consider if sharing the information is necessary for one of the purposes outlined in the [Quick guide to disclosing personal information to a law enforcement agency](#).
  - If further information is required from the LEA in order to make a decision, return the form to the requestor and ask that it be provided.
  - If not reasonably satisfied the disclosure is necessary, personal information should not be disclosed. Record this decision in writing (e.g. using Part D of the LEA form) and return to the LEA. Store the record in a secure location.
  - If satisfied the disclosure is necessary, continue with the process below.
4. If a LEA has requested information urgently, employees and delegated officers may provide information to the LEA verbally and keep a record of the disclosure. In addition, the LEA must request the information in writing within 48 hours, via the LEA form. If a written request is not received, follow up with the LEA officer. When a completed LEA request form has been received, complete Parts C and D with the information previously provided verbally and return to the LEA.
5. If the LEA is making a limited information request, they may make the request via email or the LEA form. An email must include the legislative provision under which the information is being requested (e.g. s.426 (4A) of the EGPA) and the LEA officer's signature block. Delegated officers should return the information via email or the LEA form.
6. If a LEA has requested information using the LEA form, employees and delegated officers should complete Parts C and D of the LEA form and return to the LEA.
7. Store all LEA forms, attachments, records and emails in a secure location.

### **Disclosing information on a DoE employee's own initiative**

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1. An employee (non-student personal information) or delegated officer (student personal information) may disclose information to a LEA on their own initiative if reasonably satisfied the disclosure is for one of the purposes outlined in the [Quick guide to disclosing personal information to a law enforcement agency](#).
2. If the information is student personal information, employees must confirm they are delegated to disclose student personal information. If an employee is not delegated to disclose student personal information, they must provide the matter to a delegated officer to consider.
3. If reasonably satisfied the disclosure is for one of the purposes outlined in the [Quick guide to disclosing personal information to a law enforcement agency](#), employees and delegated officers can complete Parts B, C and D of the [LEA form](#), and provide to a LEA officer. [Contact details for Queensland Police Service Child Protection and Investigation Units](#) are available on OnePortal (DoE employees only). Ensure that all information disclosed is recorded on, or attached to, the form.
4. Store a copy of the LEA form and any attachments in a secure location, along with the details of the LEA officer/email address the information was provided to.

## Definitions

| Term                                    | Definition  |
|---|---|
| <b>Criminal offence</b>                 | Criminal offences are defined in the <i>Criminal Code Act 1899</i> . Other legislation, such as the <i>Education (General Provisions) Act 2006</i> , also contain criminal offences.  |
| <b>Delegated officer</b>                | An appropriately qualified officer who is delegated certain powers and functions under the <i>Education (General Provisions) Act 2006</i> by the Director-General. The legislative delegations under the <i>Education (General Provisions) Act 2006</i> are available on the Policy and Procedure Register.   |
| <b>Law enforcement agency</b>           | For the purpose of this procedure this includes officers of the Queensland Police Service, Crime and Corruption Commission, Australian Federal Police and the police forces of the States and Territories.  |
| <b>Law imposing a penalty</b>           | If a law requires someone to pay a sum of money for breaching it, then it is a law imposing a penalty.  |
| <b>Law imposing a sanction</b>          | A law imposes a sanction if it takes away a right or privilege or allows some disadvantaging action other than the imposition of a monetary penalty.  |
| <b>Limited information request</b>      | A request for the name of the school a child is currently enrolled in or confirmation that the child is not currently enrolled in a state school.   |
| <b>Non-student personal information</b> | Non-student personal information includes: <ul style="list-style-type: none"> <li>parent/carer's name, date of birth, aliases and contact details</li> <li>parent/carer's behaviour</li> <li>parent/carer's involvement with child/school/staff</li> <li>staff member's name, date of birth, employment history and personal contact details.</li> </ul>  |
| <b>Personal information</b>             | Information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.<br><br>This definition is broad and could include the following: <ul style="list-style-type: none"> <li>written records about a person</li> <li>a photograph or image of a person</li> <li>information or an opinion about a person that is not written down.</li> </ul> <p>The information does not have to clearly identify a person; it only needs to provide sufficient information to lead to the identification of a person (e.g. disclosing a report about a female student who is 7 years old in a small community where there is only one student at the school who is female and 7 years old).</p> |

| Term                                | Definition   |
|-------------------------------------|--|
|                                     | Personal information could be student or non-student personal information (refer to definitions).  |
| <b>Public interest</b>              | Acting in the public interest means acting for the common good of the community. It is the collective interest of the entire community — not the sum of individual interests nor the interest of a particular group. What is 'in the public interest' will vary according to the circumstances. Further information is available in the <a href="#">Student protection guidelines</a> (DoE employees only).  |
| <b>Reasonably satisfied</b>         | Satisfied on reasonable grounds i.e. when a reasonable person in the same circumstances would consider there was a reasonable basis for the decision.  |
| <b>Secure location</b>              | Electronic copies of information sharing records must be saved in an authorised recordkeeping system i.e. OneSchool (Record of Contact) or Content Manager, with appropriate access restrictions applied. Any hard copies must be stored in a locked cabinet with access restricted. Records relating to the abuse of vulnerable persons must be retained for 100 years. For further information about records management, visit the <a href="#">Student protection guidelines</a> (DoE employees only) and <a href="#">Recordkeeping OnePortal page</a> (DoE employees only).   |
| <b>Student</b>                      | In this procedure, 'student' refers to any person, regardless of age, who is enrolled at, has been enrolled at, or has applied to be enrolled at a state educational institution established under ss. 13, 14 or 15 of the <i>Education (General Provisions) Act 2006</i> .  |
| <b>Student personal information</b> | <p>Student personal information includes:</p> <ul style="list-style-type: none"> <li>• student's name, date of birth, aliases, family and contact details</li> <li>• previous school/s attended</li> <li>• student attendance records/patterns of attendance</li> <li>• social and emotional development</li> <li>• behaviour (including suspensions and/or exclusions)</li> <li>• peer relationships</li> <li>• observations, disclosures and details of suspected abuse or neglect</li> <li>• individual support plans</li> <li>• student photographs</li> <li>• actions implemented by principal/guidance officer/teacher to monitor ongoing wellbeing, participation and education status of student.</li> </ul> |

## Legislation

- [Education \(General Provisions\) Act 2006](#) ss.426 (4)(e)(i), (4)(e)(ii) and (4A)

- [Information Privacy Act 2009](#) Information Privacy Principles 11(1)(e)(i) and 11(1)(c)

## Delegations/Authorisations

- [Director-General's delegations under the Education \(General Provisions\) Act 2006](#)

## Policies and procedures in this group

- [Child and student protection policy](#)
- [Allegations against employees in the area of student protection procedure](#)
- [Information sharing under the Child Protection Act 1999 procedure](#)
- [Student protection procedure](#)
- [Working with children authority procedure](#)

## Supporting information for this procedure

- [LEA form: Disclosure of personal information to a law enforcement agency](#)
- [Quick guide to disclosing personal information to a law enforcement agency](#)

## Other resources

- [Information privacy and right to information procedure](#)
- [Police and Child Safety Officer interviews and searches with students](#) (DoE employees only)
- [Queensland Police Service Child Protection and Investigation Unit contact details](#) (DoE employees only)

## Contact

For further information, please contact your nearest [regional office](#) or the [regional Principal Advisor, Student Protection](#) (DoE employees only).

## Review date

10/07/2026

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

3.0 Disclosing Student Personal Information to the Queensland Police Service

4.0 Disclosing personal information to law enforcement agencies



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