

# DISCLOSING INFORMATION TO GOVERNMENT AGENCIES

Our responsibility under sections 25 and 26 of the *Legal Aid Commission Act 1979*

This fact sheet sets out your obligations under sections 25 & 26 of the *Legal Aid Commission Act* and what those obligations mean when responding to inquiries about clients from government agencies.

## WHAT DO SECTIONS 25 & 26 OF THE ACT MEAN?

Sections 25 and 26 of the *Legal Aid Commission Act* mean that Legal Aid NSW staff cannot disclose information about:

- anyone who has applied for legal aid, or
- anyone who has received a grant of legal aid, or
- anyone who has attended an advice service

*unless* that person consented to or has given authority to Legal Aid NSW to disclose the information.

## Who must comply with sections 25 & 26 of the Act?

All staff are bound by ss25 and 26 of the Act.

## Is there a penalty?

Yes, it is an offence to divulge any information and there is a maximum penalty of \$5,500 or six months in prison.

## WHAT SHOULD I DO IF A GOVERNMENT AGENCY MAKES A TELEPHONE INQUIRY ABOUT A CLIENT OR LEGAL AID APPLICANT?

1. You cannot disclose any information about a client or a legal aid applicant to any government agency including all those listed below unless the client has given authority for information to be disclosed to a specific agency.
2. You should refer the inquiry to the solicitor who has conduct of the matter if it is an in-house matter.
3. If it is an assigned matter refer the inquiry to Grants Division on (02) 9219 5863.

## Examples of Government agencies include:

- NSW Police
- The Office of the Director of Public Prosecutions
- The Office of the Protective Commissioner
- The Department of Community Services
- Attorney General's Department
- Juvenile Justice
- The Parole Authority
- The Guardianship Tribunal
- The Department of Corrective Services.