

Legal Professional Privilege - Communications Protocol
Dealing with Lawyers (Internal and External)

Rule	Practice Guideline	Comment	Responsibility
Creating, Storing and Sharing Data and Documents Document Management	Please seek assistance from Legal and Risk (extension 34539) or the University Archivist (extension 36250) for further assistance. For example, keep privileged documents in a separate and secure physical location or in	It will generally be preferable to ensure that meeting notes are minuted and filed and stored by lawyers (internal or external). Where this is not practicable please apply general document	

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Communications with Third Parties Do not circulate sensitive information more widely than absolutely necessary.	Before communicating with any third party – think carefully about whether that person really needs access to the information. Be particularly careful when giving a third party access to a document that is or may be the subject of a claim of legal professional privilege by the University, as that may mean the privilege will be lost. If in doubt – obtain legal advice from Legal and Risk (Legal Counsel) or external lawyer Refer Annexure for information	Anyone external to the University is a third party. This includes consultants, police, experts and all Controlled Entities. Although all University personnel are 'internal' please exercise great care in sharing documents – particularly via email. If in doubt – obtain legal advice from Legal and Risk Branch (Legal Counsel) about the legal implications of sharing documents.	Legal and Risk Branch

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 Legal Professional Privilege

ANNEXURE – WHAT IS LEGAL PROFESSIONAL PRIVILEGE?

Legal professional or client legal privilege is the immunity that a client (the University) has from being compelled to disclose certain communications or records of proposed communications:

- (a) between themselves and their lawyers; and
- (b) in some cases – between themselves and a third party, or between their lawyers and a third party.

Legal professional privilege is an important immunity which applies both in the courtroom and out of it: it is not just a rule of evidence.

Whose owns it?

The privilege belongs to the University as client (or other entities as “joint clients”), not to a University employee, servant or agent or the lawyer.

What is it for?

The purpose of the privilege is to promote the public interest by encouraging the University to make a full and frank disclosure of relevant facts and circumstances to the University's legal advisors – whether that is obtained from within the Legal Office in Legal and Risk Branch (Legal Counsel) – –

