

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	<p data-bbox="707 400 1238 491">Please seek assistance from Legal and Risk (extension 34539) or the University Archivist (extension 36250) for further assistance.</p> <p data-bbox="707 651 1238 707">For example, keep privileged documents in a separate and secure physical location or in</p>	<p data-bbox="1294 400 1720 587">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</p>	

Rule	Practice Guideline	Comment	Responsibility
<p>Communications with Third parties</p> <p>Do not circulate sensitive information more widely than absolutely necessary.</p>	<p>Before communicating with any third party – think carefully about whether that person really needs access to the information.</p> <p>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.</p> <p>If in doubt – obtain legal advice from Legal and Risk (Legal Counsel) or external lawyer Refer Annexure for information</p>	<p>Anyone external to the University is a third party. This includes consultants, police, experts and all Controlled Entities.</p> <p>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 (Legal) (08-1-gra-6747 0 Td 7av.4 (t)-2.</p>	



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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) – –

