



V I C T O R I A P O L I C E

# Research Protocol for External Researchers

**January 2019**

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Any feedback regarding this document should be directed to the Policing Research Unit, Victoria Police by email: [research@police.vic.gov.au](mailto:research@police.vic.gov.au).

Date of issue: 18 Jan 2019

Custodian: Capability Department

Date of last review: 18 Jan 2019

## 1. BACKGROUND

Victoria Police is committed to undertaking and supporting research which provides the evidence to guide delivery of best practice police services to the Victorian community. Research is undertaken by various departments within Victoria Police and by external research institutions. Victoria Police has a Research Agenda which aims to ensure that research is aligned with the organisation's priority research areas.

All research conducted with Victoria Police must be conducted in an ethical and responsible manner and it must comply with relevant legislation and organisational policy. These protocols outline the conditions governing the conduct of research by researchers in connection with Victoria Police. The protocols also provide background information and definitions which will be useful for understanding these conditions.

These protocols apply to all external researchers, defined as any individual or organisation, intending to conduct research or evaluation activities which involve Victoria Police information, personnel or other resources. External researchers also include Victoria Police personnel who are undertaking research toward an academic qualification. This includes both cases where:

- (a) personnel conduct original research that utilises Victoria Police information, personnel or other police resources, or
- (b) personnel submit research or evaluation material already undertaken in the course of their duties; and
- (c) the results are used to fulfil requirements of an academic qualification.

All internal researchers, defined as Victoria Police personnel undertaking research or evaluation activities in fulfilment of their duties, should refer to the Research Protocols for Internal Researchers.

External researchers seeking to undertake research that will utilise Victoria Police information, personnel or other police resources, must submit an application to the Research Coordinating Committee (RCC) unless otherwise exempted. If the researcher is conducting *human research*, then information regarding the Victoria Police Human Research Ethics Committee (VPHREC) contained in Section 10 of this document may apply.

Prior to submitting applications to the RCC or VPHREC, researchers should be fully aware of the following conditions. Note that all terms in *italics* are defined in the Glossary at the end of this document.

## 2. DEFINING RESEARCH ACTIVITY

### 2.1 What is research?

The [Australian Code for the Responsible Conduct of Research](#) (2007) defines research as “...original investigation undertaken to gain knowledge, understanding and insight”.

Research does not include:

- collection and analysis of information undertaken as part of operational law enforcement activities (e.g. case investigations, intelligence collection, information sharing with other policing jurisdictions); or
- audit or quality assurance activities which assess adherence to organisational protocols or policies; or
- collection of body tissue or fluid under the provision of legislation.

### 2.2 What is human research?

This category of research is defined in the [National Statement on Ethical Conduct in Human Research](#) (2007) as research conducted with or about people, or their data or tissue. Human research is considered as a special category of research, in which all procedures require adherence to established ethical principles. Human participation in research includes the involvement of human beings through:

- taking part in surveys, interviews or focus groups;
- undergoing psychological, physiological or medical testing or treatment;
- being observed by researchers;
- their information being accessed, used or disclosed (in individually identifiable, re-identifiable or de-identified form) as part of an existing published or unpublished source or database;
- researchers having access to their personal documents or other materials;
- the collection and use of their body organs, tissues or fluids (e.g. skin, blood, saliva, hair).

## 3. RESEARCH OBLIGATIONS

### 3.1 Legislation

Research activity in Victoria Police is governed by a number of Victorian and Commonwealth Acts. Any research activity conducted in connection with Victoria Police must be managed in accordance with the following Acts and any other relevant legislation:

- [Privacy and Data Protection Act 2014](#)
- [Health Records Act 2001 \(Vic\)](#)
- [Victoria Police Act 2013](#)
- [Constitution Act 1975 s.95](#)
- [Public Records Act 1973](#)
- [Freedom of Information Act 1982 \(Vic\)](#)
- [Road Safety Act 1986: s.92](#)
- [Public Administration Act 2004](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)

### 3.1.1 **Charter of Human Rights and Responsibilities**

As Victoria Police is a public authority within the meaning of s.38 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), Victoria Police is bound by the Charter and required to act in a way that is compatible with human rights and, in making decisions, required to give proper consideration to relevant human rights. In relation to research activities, the following human rights should, in particular, be taken into consideration:

- the right to privacy and reputation under s.13 of the Charter; and
- the protection of families and children under s.17 of the Charter; as well as
- any other relevant rights in Part 2 of the Charter.

## 3.2 **Standards**

All research using Victoria Police law enforcement data must comply with the following standards:

### 3.2.1 **Protective Data Security Standards**

Research which involves the use of *law enforcement data* held by Victoria Police is bound by the Standards issued by the Information Commissioner, pursuant to the *Privacy and Data Protection Act 2014* (Vic) (**PDP Act**) and Victoria Police's policies and guidelines. The Standards require necessary controls for the secure management of law enforcement data systems and the information they contain. The Standards, together with Victoria Police's policies and guidelines around information management, capture the essence of best practice to be observed in relation to law enforcement data security management.

## 3.3 **Guidelines**

All research carried out with Victoria Police should comply with the following guidelines:

### 3.3.1 **Australian Code for the Responsible Conduct of Research (2009)**

This Code is a guide for responsible research conducted in Australia, providing a basic reference for the development of appropriate policies and procedures. It is written specifically for universities and other public sector research institutions. Compliance with this Code is a prerequisite for receipt of National Health and Medical Research Council (NHMRC) and Australian Research Council (ARC) funding.

### 3.3.2 **National Statement on Ethical Conduct in Human Research (2007)**

This Statement sets national standards for use by any individual, institution or organisation conducting *human research*. The Statement aims to promote ethical human research in which participants are accorded the respect and protection that is due to them. It also involves the fostering of research that is of benefit to the community.

## 3.4 **Victoria Police policy**

Research activities are also governed by Victoria Police policy as defined in the Victoria Police Manual (VPM). Research-relevant policies include, but are not limited to, the following sections of the VPM:

- [Professional and Ethical Standards](#);
- [VPMP Managing Conflict of Interest](#);
- [VPMP Access and Use of Information Systems](#); and
- [VPMP Use and Disclosure of Information](#).

## 4. RESEARCH GOVERNANCE

In Victoria Police, the protocols and governance processes for research vary according to two main factors:

1. Researcher type: the instigator and end user of the research output; and
2. Research category: the involvement of Victoria Police data, personnel or other police resources.

These factors will be defined before going on to describe the Victoria Police research governance framework.

### 4.1 Researcher type

The application of research protocols and procedures in Victoria Police varies according to the instigator and end user of the research output. The three researcher types are:

#### 4.1.1 *Internal*

Research projects initiated by Victoria Police personnel for the purpose of meeting, evaluating or improving specific organisational objectives. Internal research may be conducted by Victoria Police employees or by academics or private consultants contracted by Victoria Police for this purpose.

#### 4.1.2 *Partnership*

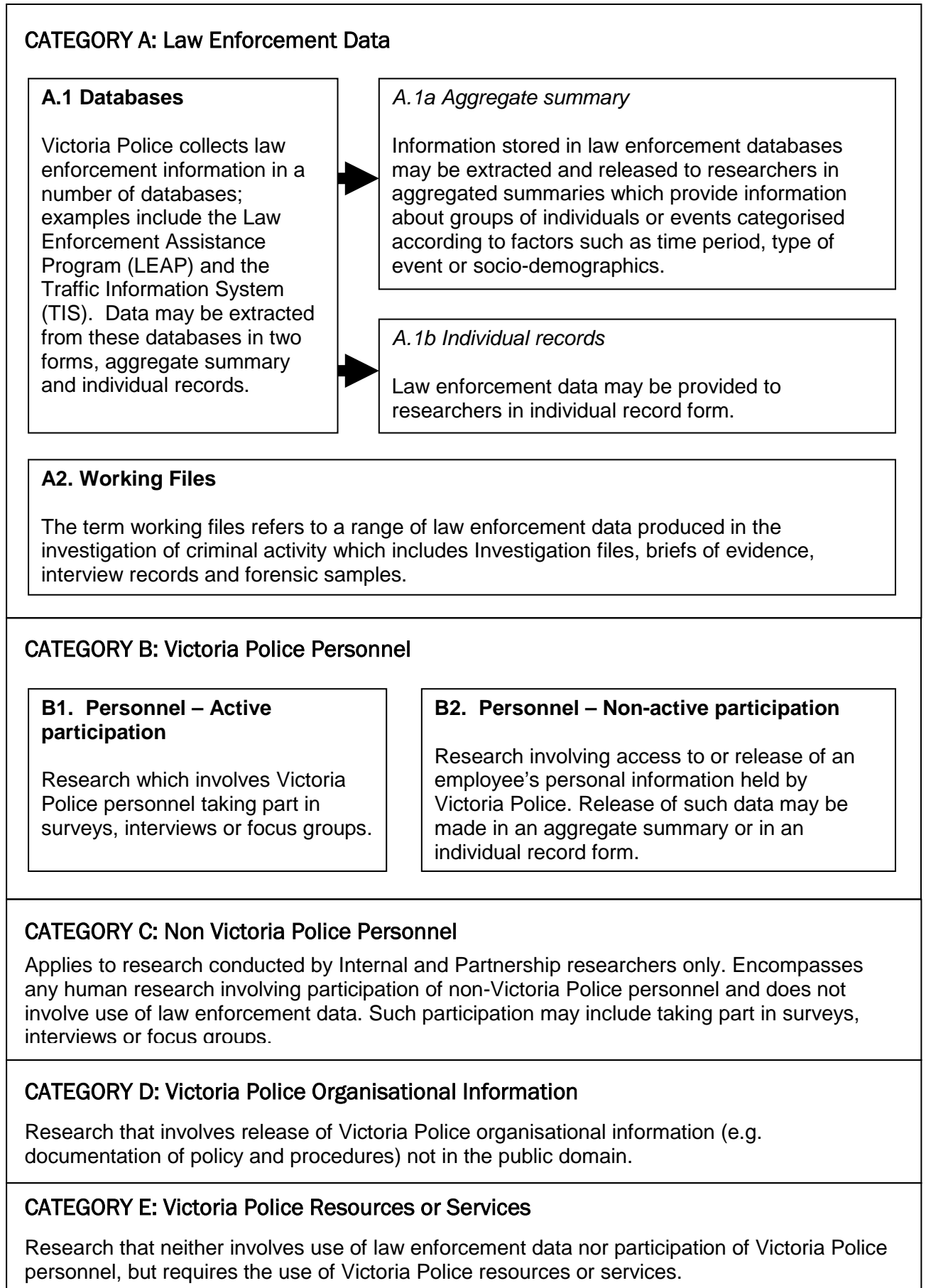
Research projects initiated jointly and managed collaboratively by Victoria Police and external institutions. These include the program of Australian Research Council (ARC) Linkage Grant projects.

#### 4.1.3 *External*

Research projects initiated by individuals or organisations external to Victoria Police, for example:

- university students (including Victoria Police personnel) undertaking research toward an academic qualification
- academics
- private consultants
- research institutes
- government agencies

Figure 1: Victoria Police Research Categories





## 4.2 Research categories

Research conducted with Victoria Police can be categorised into one of five Research Categories based on the objects of study and the methods used to study them. These categories are depicted in Figure 1 and described below.

### 4.2.1 Category A: Law enforcement data

Law enforcement data is defined in the PDP Act as any information obtained, received or held by Victoria Police:

- (a) for the purpose of one or more of its, or any other law enforcement agency's, law enforcement functions or activities, or
- (b) for the enforcement of laws relating to the confiscation of the proceeds of crime, or
- (c) in connection with the conduct of proceedings commenced, or about to be commenced, in any court or tribunal, or
- (d) for the purposes of its community policing functions.

Such information includes text, images, audio and video held on computing devices or in hard copy format, or other storage media, including but not limited to, data relating to individuals or aggregated data, written reports and correspondence, memoranda, police diaries, official notebooks, running sheets and other data repositories.

#### Means of transfer

A key factor in research proposals involving law enforcement data is the means by which the researcher proposes to obtain the data. There are two means of transfer – *release* and *access* – which are defined in Victoria Police's policies and guidelines as follows:

*Release* means any disclosure of any law enforcement data.

*Access* refers to the ability of an individual or organisation to directly retrieve or view law enforcement data or access a law enforcement data repository. The act of 'accessing' means:

- (a) viewing or retrieving law enforcement data, or
- (b) retrieving data from law enforcement data repositories.

Note – For the purposes of the Victoria Police's policies and guidelines, the viewing of law enforcement data that has been **released** in an authorised manner is no longer considered access.

No direct access will be provided to researchers.

#### A.1 Databases

Victoria Police collects law enforcement information in a number of databases; examples include the Law Enforcement Assistance Program (LEAP), which contains particulars of crimes, family incidents and missing persons and; the Traffic Information System (TIS). Data may be extracted from these databases in two forms as follows:

##### A.1a Aggregate summary

Information stored in law enforcement databases may be extracted and released to researchers in aggregated summaries which provide information about groups of individuals or events categorised according to factors such as time period, type of event or socio-demographics. Aggregated data is the preferred form of release for law enforcement data as no identifying information is included and it is not possible to distinguish the properties of a single individual within the summary group.

### **A.1b Individual records**

Law enforcement data may be provided to researchers in individual record form. Most commonly this would involve release of data rather than access to data stores, and the records would be de-identified (all identifying information removed). Under certain conditions Victoria Police may grant permission for individual records to be accessed or for identified individual records to be released and these issues are addressed in the Research Protocols.

### **A2. Working Files**

The term working files refers to a range of law enforcement data produced in the investigation of criminal activity which includes:

- Investigation files
- Briefs of evidence
- Interview records
- Forensic samples

Access to or release of information contained in working files is subject to legislation and Victoria Police policy.

#### **4.2.2 Category B: Victoria Police personnel**

This category encompasses any human research that involves participation of Victoria Police personnel and does not involve use of law enforcement data.

##### **B1. Personnel – Active participation**

Research which involves Victoria Police personnel taking part in surveys, interviews or focus groups or actively engaging in other research activities such as assessment of skill, knowledge or other individual attributes is included in this category.

##### **B2. Personnel – Non-active participation**

Non-active participation in research by Victoria Police personnel includes access to, or release of an employee's personal information held by Victoria Police. Release of such data may be made in an aggregate summary or in an individual record form.

#### **4.2.3 Category C: Non-personnel**

This category applies to research conducted by Internal and Partnership researchers only and encompasses any human research involving participation of non-Victoria Police personnel and does not involve use of law enforcement data. Such participation may include taking part in surveys, interviews or focus groups or actively engaging in other research activities such as assessment of skill, knowledge or other individual attributes.

#### **4.2.4 Category D: Organisational Information**

This category includes research that involves release of Victoria Police organisational information (e.g. documentation of policy and procedures) not in the public domain.

#### **4.2.5 Category E: Victoria Police resources / services**

This category includes research that neither involves use of law enforcement data nor participation of Victoria Police personnel, but requires the use of Victoria Police resources or services.

## **4.3 Research governance processes**

### **4.3.1 Research Coordinating Committee (RCC)**

Any research undertaken by external researchers (including Victoria Police personnel conducting research toward fulfilment of an academic qualification) must be approved by the RCC prior to commencement.

The RCC assesses proposed research on a number of criteria, such as the potential benefits of the research to Victoria Police and the community, compliance with relevant legislation and guidelines and alignment with the Victoria Police Research Agenda. The RCC may also consider the commitment of Victoria Police resources that might be required.

The RCC consists of Senior Officers of Victoria Police and secretariat support is provided by the Policing Research Unit. The RCC's assessment of research proposals is done in consultation with:

- Managers of any work units involved in the proposed project;
- Victoria Police area specialists; and
- Victoria Police research specialists.

Further information about RCC application processes can be found in Section 9.1 of this document.

### **4.3.2 Victoria Police Human Research Ethics Committee (VPHREC)**

The VPHREC ensures that all research involving human participants conducted or commissioned by Victoria Police complies with the principles and guidelines set out in the National Statement for Ethical Conduct in Human Research (2007) and the relevant privacy legislation.

For further information on the operation of the VPHREC refer to the VPHREC Terms of Reference.

### **4.3.3 Victoria Police Internal Project Governance and Reporting**

Collaborative research projects involving Victoria Police funded under the Australian Research Council (ARC) Linkage Grant scheme will be subject to Victoria Police's quarterly governance reporting processes. All ARC Linkage Grant projects involving Victoria Police will be managed through a steering committee, supported by a Victoria Police project manager and portfolio business sponsor.

## 5. HUMAN RESEARCH

Category A: Law Enforcement Data

Category B: Victoria Police Personnel

Category C: Non-personnel

### 5.1 Ethical oversight

All research conducted with or about people, their information or tissue must be subject to ethical oversight from a *Human Research Ethics Committee*. The VPHREC is responsible for the ethical oversight of human research involving Victoria Police. Information regarding the VPHREC application process can be found below in Section 10 of this document.

### 5.2 Privacy obligations

Where human research involves disclosure or use of *personal information* including law enforcement data held by Victoria Police about research participants, such information will only be disclosed to the researcher if the obligations imposed on Victoria Police under the Information Privacy Principles (IPP) 2.1 of the *P* are met. The relevant IPPs are:

- (a) both of the following apply-
  - i. the use or disclosure relates to the primary purpose of why it was collected and if the personal information is *sensitive information* then it needs to directly relate to the reason it was collected; and
  - ii. the research participant would reasonably expect Victoria Police to use or disclose the information for this secondary purpose; or
- (b) the research participant has consented to the use or disclosure; or
- (c) if the use or disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest, other than for publication in a form that identifies any particular individual-
  - i. it is impracticable for Victoria Police or the researcher to seek the research participant's consent before the use or disclosure; and
  - ii. in the case of disclosure – Victoria Police reasonably believes that the researcher will not disclose the information.

#### 5.2.1 Essential elements of consent

A research participant can provide their *consent* to participate in research in an express form (either verbally or in writing) or in an implied form by choosing to actively participate in the research. Consent, whether express or implied, must be made voluntarily and should be based on the research participant receiving sufficient information and having an adequate understanding of both the proposed research and the implications of participation in it. Guidelines regarding the essential elements of consent can be found in Chapter 2.2 of the *National Statement on Ethical Research Conduct Involving Humans* and *Information Privacy Principle 2: Use and Disclosure*. For projects involving *health information*, also see *Health Privacy Principle 2: Use and Disclosure*.

### 5.2.2 Use of de-identified information

Where a research project involves use of data that does not include personal information or *potentially identifying information*, then the external researcher will not need to obtain consent for its use or disclosure because the data does not fall within the definition of *personal information* and therefore the provisions of the PDP Act *do not apply*.

### 5.2.3 Use and disclosure without consent

In cases where the proposed research requires that Victoria Police disclose the personal information of research participants without their consent the onus is on the researcher to provide sufficient evidence that the conditions outlined in IPP 2.1(a) and (c) are met. Further information regarding the interpretation of these conditions can be found in the [Guidelines to the Information Privacy Principles](#). The final decision to disclose any personal information is at the discretion of Victoria Police.

## 6. RELEASE OF VICTORIA POLICE DATA

Category A: Law Enforcement Data

Category B2: Personnel – Non-active participation

Category C: Non-personnel

Where a researcher is seeking to obtain aggregate corporate statistics only, then the request will be subject to the approval of the Manager Corporate Statistics. This provision of corporate statistics may incur a fee for service. Please refer to the Victoria Police [website](#). Corporate statistics data requests should be directed to [CORPORATESTATISTICS-REQUESTS-MGR@police.vic.gov.au](mailto:CORPORATESTATISTICS-REQUESTS-MGR@police.vic.gov.au).

For all other requests, the release of data held by Victoria Police for research purposes can only occur if the following conditions are met:

- (a) the proposed research has been approved by the RCC and, where appropriate, the VPHREC; and
- (b) the researcher satisfies the requirement for a *security check*; and
- (c) a *legal agreement* is executed between Victoria Police (the State) and the researcher's university or Institution (if applicable) in addition to a Deed of Confidentiality being executed by the researcher and all of the researcher's colleagues to whom the data will be disclosed; and
- (d) the researcher provides Victoria Police with evidence of consent from participants whose data is being sought; or
- (e) the data sought is *de-identified* and contains no *potentially identifying information*.

Upon receipt of written authorisation from the RCC, or Manager Corporate Statistics, only *appropriately authorised personnel* may access data and/or extract the same from a Victoria Police data repository for release/disclosure for research purposes.

Where the researchers have not provided evidence of consent from participants, data will have all *personal information* and *potentially identifying information* removed by *appropriately authorised personnel* prior to being released to the researcher in any form. Any exception to this condition can only be made if express authority for the release of identifiable data is granted by the RCC (refer 5.2.3).

Where a researcher submits a list of names to Victoria Police for the purpose of releasing individual records held in its *data repository*, *appropriately authorised personnel*, whom extract the data will match the extracted individual records to the supplied list of names and will then remove all potentially identifying information. The researcher will be provided with *de-identified data*, identified by a randomly generated code number. Victoria Police will provide the researcher with the code key in a separate transaction.

Any release of data to researchers must be coordinated by the Secretary of the RCC or the Manager Corporate Statistics, where appropriate, who will ensure the data is released in the agreed form.

## 7. RESEARCH WITH VICTORIA POLICE PERSONNEL

Category B: Victoria Police Personnel

### 7.1 Recruiting personnel for research participation

#### 7.1.1 *Release of information regarding potential participants*

Victoria Police cannot disclose to researchers the names and contact details of personnel who qualify as prospective research participants unless prior consent has been obtained from such individuals for their personal information to be released.

Victoria Police personnel may assist in the recruitment of personnel by:

- (a) contacting prospective research participants to seek consent to disclose their personal information to researchers; or
- (b) distributing a notice seeking participants for the research to personnel, inviting them to contact the researcher directly.

#### 7.1.2 *Maintaining ethical recruitment processes*

Victoria Police personnel should not be approached to participate in research by other personnel who have supervision or line management of the potential participants. The National Statement on the Ethical Conduct of Human Research (2007) states that the dependant nature of the pre-existing relationship between police personnel (as potential participants) and those with line management over them may compromise the voluntary nature of the potential participant's decision to consent, because it typically involves unequal status, where one party has or has had a position of influence or authority over the other.

Therefore to maintain ethical recruitment processes, initial contact with personnel regarding research participation should only be made by independent members within Victoria Police. Additionally researchers should not disclose a potential participant's decision to participate or otherwise to any other party including the person's supervisor or line manager.

### 7.2 Constraints on disclosure of information by personnel

Researchers should be aware that disclosure of certain subject matter by Victoria Police personnel is constrained by legislation and organisational policy. Section 227 of the *Victoria Police Act 2013* restricts the disclosure of information and documents by police personnel. Section 95 of the *Constitution Act 1975* limits the way in which public servants (including police officers) can comment upon Government workings and the disclosure of information used in the

discharge of their duties. The RCC will not approve research methodologies which request disclosure in contravention of these obligations.

### **7.2.1 Disclosure limited by duty**

A member or former member of Victoria Police personnel must not, without reasonable excuse, access, use or disclose any police information if it is the duty of the member or former member not to access, make use of or disclose the information (see s 227 of the *Victoria Police Act* 2013).

### **7.2.2 Disclosure limited by topic**

Victorian legislation and Victoria Police organisational policy limits disclosure of certain types of information, which include, but are not limited to, the following:

- Victoria Police Professional and Ethical Standards
- VPMP Use and Disclosure of Information;
- VPMP Policy Development and Advice; and
- Disclosure by persons employed in the service of the State of Victoria contrary to s 95 of the *Constitution Act 1975*.

A copy of the VPM is available for public viewing in the State Library of Victoria. Relevant Sections of the VPM can also be requested from the National Liaison and Research Unit as required.

## **8. STUDENT RESEARCH**

### **8.1 Eligible projects**

Victoria Police will consider research proposals from students undertaking research as part of an Honours or post-graduate level academic qualification. Proposals for research from students undertaking undergraduate or lower level studies will not be considered.

### **8.2 Principal researchers**

For student research projects, the Principal Researcher for the purposes of the RCC application is the researcher's academic supervisor. In such applications, the researcher, and any other individuals who use the information related to Victoria Police or to whom the information is disclosed, must also be listed as researchers and, where appropriate, will also be required to be party to the *legal agreement* and/or a confidentiality agreement with Victoria Police.

## 9. APPLYING TO DO RESEARCH WITH VICTORIA POLICE

### 9.1 Research Coordinating Committee

All external researchers wishing to conduct research with Victoria Police are required to apply to the RCC for approval of their proposed project, prior to commencement of their research, unless otherwise exempted.

In the first instance the researcher must complete the [application form](#). Guidelines for completing this form are also available at the Victoria Police [website](#).

Any queries regarding the application process should be directed to the RCC Secretariat on 03 9247 3385 or email [research.committee@police.vic.gov.au](mailto:research.committee@police.vic.gov.au).

Applications will not be actioned until a completed application form, signed by all researchers involved in the proposed research, has been received by the RCC Secretariat.

The researcher should allow a minimum period of 35 days for the processing of the application.

### 9.2 Areas of assessment

Applications to the RCC are assessed on the following criteria:

- (a) compliance with Victoria Police legal and organisational obligations;
- (b) value of the proposed research to Victoria Police service-delivery priorities given the current knowledge base; and
- (c) alignment with the organisation's strategic objectives, as outlined in the Victoria Police Strategic Research Agenda; and
- (d) the appropriateness of the proposed research design and methodology; and
- (e) consistency with the practices and standards outlined in Australian Code for the Responsible Conduct of Research; and
- (f) in the case of human research, the requirement for ethical review by a HREC; and
- (g) any commitment of Victoria Police resources required.

### 9.3 Consultation with internal stakeholders

As part of the application process, the RCC refers the research proposal to relevant Victoria Police stakeholders for their input. These stakeholders may include:

- Any personnel directly involved in the proposed research;
- Managers of any work units involved in the research;
- Subject matter specialists; and
- Research specialists.

Following consultation with internal stakeholders, the RCC assesses the application. If any queries arise during this process, the Secretary will contact the researcher for clarification.



## 9.4 Conditions of approval

If the RCC makes a decision to support the application, the approval is conditional upon the researcher and his/her institution (if applicable) signing a *legal agreement* which outlines the conditions under which the researcher is given access to Victoria Police personnel, data or resources. In some instances, approval will also be conditional on the researcher providing Victoria Police with evidence of having completed a *security check* at their own expense.

The extraction of law enforcement data or de-identification of individual records by Victoria Police personnel for a researcher may be conditional on the payment of a fee by the researcher.

The RCC can withdraw its approval at any time in circumstances where the research is not conducted according to the purposes and conditions on which the approval was granted.

All law enforcement data provided to a researcher will remain the property of the Victoria Police.

## 9.5 Legal and organisational requirements

The researcher, his or her Institution, academic supervisor, examiner/s and any others who use the information related to Victoria Police, or to who that information is disclosed, (if applicable) will co-operate with any requests or directions of the Victoria Police which arise directly from situations relating to legislation and policies described in Section 3, made pursuant to or for the purposes of ensuring compliance with all applicable legal requirements.

## 9.6 Destruction or return of Data at conclusion of research

The researcher, his or her Institution, academic supervisor, examiner/s and any others who use the information related to Victoria Police, or to whom that information is disclosed, (if applicable) unless otherwise agreed:

- Will securely destroy all physical copies of the Data in its possession or control and will ensure that the Data in the possession or control of any authorised party is securely destroyed, when no longer required for the Purpose; and
- Will delete all electronic copies of the Data in its possession or control and sanitise the storage device such that no Data can be recovered and to ensure that the Data in the possession or control of any other authorised party is deleted and the storage device sanitised, when no longer required for the Purpose.

## 10. ETHICAL OVERSIGHT OF HUMAN RESEARCH

Victoria Police requires that all research activities involving human participants conducted with or commissioned by Victoria Police, comply with the principles and guidelines set out in the National Statement for Ethical Conduct in Human Research (2007). Prior to applying to the VPHREC, researchers should read this document to ensure they are aware of their responsibilities regarding ethical design and conduct of human research.

### 10.1 Victoria Police Human Research Ethics Committee

The VPHREC is responsible for ethical review of research for Victoria Police and the VPHREC Secretariat is responsible for coordination of ethical oversight of research for Victoria Police including liaison with researchers.

### 10.2 Requirement for ethical oversight

This section provides guidance for researchers regarding when they should refer research or evaluation activities to the Secretary of the VPHREC for ethical oversight. Activities which are eligible for VPHREC oversight are defined below and the basis for referring eligible activities is explained below. The Secretary will advise whether or not the activity requires review by the Committee based on factors including any risks involved in the activity and compliance with relevant legislation.

#### 10.2.1 Research

For the purposes of oversight by the VPHREC, research is understood as:

- Collection, analysis and dissemination of information related to Victoria Police personnel or customers<sup>1</sup> for the purpose of producing empirical research evidence to test theories or hypothetical models; that is
- Instigated by external researchers or by Victoria Police; and
- Conducted by researchers from universities, public sector agencies, private sector organisations or by Victoria Police personnel.

**Status for ethical oversight:** Applications received by the Victoria Police Research Coordinating Committee (RCC) which have been approved by an institutional human research ethics committee or HREC (established under the provisions of the National Statement) may be exempt from the VPHREC review process. The Victoria Police Research Coordinating Committee (RCC) will determine if research projects initiated by external researchers will require oversight by the VPHREC.

#### 10.2.2 Program or Project Evaluation

Evaluation is understood as:

- Collection, analysis and dissemination of information related to Victoria Police personnel or customers to evaluate innovations in business practice such as service delivery pilots or enhancements of current programs; that is
- Instigated by Victoria Police or program partners (i.e. Dept. of Justice) according to business need; and
- Conducted by Victoria Police personnel or external contractors.

**Status for ethical oversight:** Evaluation activities which include any of the Risk Factors listed in Section 10.2.3 below are to be referred to the Secretary of the VPHREC for advice.

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<sup>1</sup> Persons using Victoria Police services as victims, offenders or otherwise.

### 10.2.3 Risk Factors

Does the activity address any of the following topics?

- experience of critical incidents or other potentially traumatic events
- experience of victimisation
- grief, death or serious loss
- suicide, depression, anxiety or any psychological disorder
- gambling or substance abuse
- self report of criminal behaviour or breach of discipline
- sexuality or sexual behaviour
- race or ethnic identity
- any disease or health problem

Does the activity use any of the following methods?

- Disclosure of identifiable personal information (e.g. law enforcement data, health information) to parties external to Victoria Police
- concealing the purposes of the research
- covert observation or audio or visual recording without consent
- any psychological interventions or treatments
- withholding from one group specific treatments or methods of learning, from which they may benefit (e.g. training)
- administration of physical stimulation, invasive physical procedures or infliction of pain
- administration of drugs or other substances
- tissue sampling or collection of blood or other bodily fluids
- genetic testing
- recruitment to participate via a third party or agency
- data collection by persons other than professional researchers e.g. students
- circumstances which present risks to the researcher, (e.g. research undertaken in unsafe environments or involving exposure to potentially traumatising stimuli)?

Does the activity involve participation of any of the following vulnerable groups?

- victims of crime
- minors without parental or guardian consent
- residents of a custodial institution
- those in dependent relationship with the individual conducting the activity (e.g. supervisor/employee, professional/client)
- people with a psychological disorder
- people with a physical vulnerability or highly dependant on medical care
- people whose ability to give consent is impaired
- unable to give free informed consent because of difficulties in understanding information statement (e.g. language difficulties)
- members of a socially identifiable group with special cultural or religious needs or political vulnerabilities
- indigenous Australians

### 10.3 Application form

The VPHREC application form and guidelines can be found on the Victoria Police [intranet](#) and [internet](#) sites.

Any queries regarding the application process should be directed to the VPHREC Secretariat on 03 9247 3385 or email: [ethics.committee@police.vic.gov.au](mailto:ethics.committee@police.vic.gov.au).

Applications will not be actioned until a completed application form, signed by all researchers involved in the proposed research, has been received by the VPHREC Secretariat.

## 11. GLOSSARY

“access” refers to the ability of an individual or organisation to directly retrieve or view law enforcement data or access a law enforcement data repository. The act of ‘accessing’ means:

- (c) viewing or retrieving law enforcement data, or
- (d) retrieving data from law enforcement data repositories.

Note – For the purposes of the Victoria Police’s policies and guidelines, the viewing of law enforcement data that has been **released** in an authorised manner is no longer considered access.

“aggregate” refers to data from individual cases described in total or summary form.

“*appropriately authorised personnel*” refers to Victoria Police personnel who are authorised to access a *data repository* for the performance of their normal duties consistent with the conditions outlined in the Standards.

“*Chief Commissioner of Police*” means the Chief Commissioner of the Victoria Police.

“*Standards*” means the protective data security standards pursuant to the PDP Act.

“*consent*” means express or implied consent. It is a voluntary choice based on sufficient information and adequate understanding of any proposed research, the implications of participation in it and the right of a participant to discontinue their involvement at any point. Guidelines with respect to a prospective participant’s consent appear in the *Information Privacy Principles* and the *National Statement on Ethical Conduct in Human Research*.

“*corporate statistics*” means information obtained from:

- Crime Statistics and Reporting System (CSRS),
- Member Activity Sheet (MAS),
- Collision Management and Information System (CMIS) – Road Policing,
- Computer Aided Dispatch (CAD) – Call for Service,
- Fixed Penalty Payment System (FPPO).

“*data*” means “information” as defined below.

“*data repository*” or “*data store*” has the same meaning as that defined in the *Standards for Law Enforcement Data Security* as follows: a place of storage of law enforcement data. Data repositories include law enforcement data held on computing devices, data storage devices, or in hard copy format, including but not limited to, files of written reports and correspondence, police diaries, official notebooks, running sheets and other data repositories.

“*de-identified data or information*” means personal information from which the identity of the person to whom the information relates cannot be reasonably ascertained. Identity may be reasonably ascertained either from the existing information or when cross-referenced to extraneous material.

‘*health information*’ has the same meaning as that defined in the *Health Records Act 2001*, as follows: *personal information* that is - information or opinion about –

- an individual's physical, mental or psychological health;
- a disability of an individual;
- an individual's expressed wishes about the future provision of health services to him or her;
- a health service provided to the individual;
- collected to provide a "health service";
- collected in connection with the donation of body parts; or
- genetic information in a form that is, or could be, predictive of the health of an individual or any descendants.

“*human research*” means “*research*” and “*human research*” as defined in the *National Statement on Ethical Conduct in Human Research* as follows: Human research is conducted *with* or *about people*, or their *data* or *tissue*. Human participation in research is therefore to be understood broadly, to include the involvement of human beings through:

- taking part in surveys, interviews or focus groups;
- undergoing psychological, physiological or medical testing or treatment;
- being observed by researchers;
- their information being accessed, used or disclosed (in individually identifiable, re-identifiable or de-identified form) as part of an existing published or unpublished source or database;
- researchers having access to their personal documents or other materials;
- the collection and use of their body organs, tissues or fluids (e.g. skin, blood, saliva, hair).

“*Human Research Ethics Committee*” or “*HREC*” means a Committee of individuals formed to review research proposals involving human participants to ensure that they are ethically acceptable and in accordance with relevant standards and guidelines. HRECs are usually established by organisations (public, not-for-profit or private) which conduct research involving humans. HRECs are guided by relevant standards including those articulated in the *National Statement on Ethical Conduct in Human Research* (2007) issued by the National Health and Medical Research Council.

“*identifiable data or information*” means personal information from which the identity of the person to whom the information relates can be reasonably ascertained.

“*information*” means all information or data, concerning individuals, matters, subjects, facts, topics and things relative to the Victoria Police and/or its members, however held, stored, or recorded including drawings, plans, specifications, calculations reports, models, concepts, source codes, files, computerised data, photographic recordings, audio or audio visual recordings, briefs of evidence and victims impact statements.

“*institution*” means an agency or organisation responsible for the engagement of a researcher and/or implementation of the research project.

“*law enforcement data*” has the same meaning as that defined in s.3 of the PDP Act as any information obtained, received or held by Victoria Police:

- (a) for the purpose of one or more of its, or any other law enforcement agency's, law enforcement functions or activities; or
- (b) for the enforcement of laws relating to the confiscation of the proceeds of crime; or

- (c) in connection with the conduct of proceedings commenced, or about to be commenced, in any court or tribunal; or
- (d) for the purposes of its community policing functions.

Such information includes text, images, audio and video held on computing devices or in hard copy format or other storage media, including but not limited to, data relating to individuals or aggregated data, written reports and correspondence, memoranda, police diaries, official notebooks, running sheets and other data repositories.

“*LEAP*” means the Law Enforcement Assistance Program; the Victoria Police law enforcement database which stores particulars of all crimes brought to the notice of police as well as family incidents and missing persons. It also includes details on locations, vehicles and persons involved.

“*legal agreement*” means a legally binding agreement between the researcher and Victoria Police.

“*low risk*” research has the same meaning as that in the National Statement on Ethical Conduct in Human Research which provides that research is “low risk” where the only foreseeable risk is one of discomfort. Where the risk, even if unlikely, is more serious than discomfort, the research is not low risk.

“*member of Victoria Police personnel*” has the same meaning as in the *Victoria Police Act 2013* which provides that ‘a member of Victoria Police personnel’ means:

- a) a person referred to in section 7 of the *Victoria Police Act 2013*; or
- b) a special constable, but only in respect of the performance of duties and functions and exercise of powers by the special constable for Victoria Police

Section 7 of the *Victoria Police Act 2013* provides that Victoria Police consists of the following persons -

- a) the Chief Commissioner
- b) Deputy Commissioners
- c) Assistant Commissioners
- d) other police officers
- e) protective services officers
- f) police recruits
- g) police reservists
- h) Victoria Police employees

“Victoria Police employee” means a person employed in Victoria Police under Part 3 of the *Public Administration Act 2004*.

“*negligible risk*” research has the same meaning as that in the National Statement on Ethical Conduct in Human Research which provides that research is “negligible risk” where there is no foreseeable risk of harm or discomfort; and any foreseeable risk is no more than inconvenience. Where the risk, even if unlikely, is more than inconvenience, the research is not negligible risk.

“*non research activity*” includes activities where data is collected and analysed as part of day-to-day operational law enforcement investigation, such activity may not constitute formal research to which these Protocols apply (e.g. where a Divisional Information Unit conducts an analysis of burglary patterns occurring within a particular Police Service Area).

“*participants*” refers to individuals who are the subjects of human research. Participants include those who may or may not even know they are subjects of research; for example, where the need for their consent for the use of their tissue or data has been waived by a Human Research Ethics Committee.

“*personal information*” has the same meaning as in the PDP Act which provides that “means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the *Health Records Act 2001* applies.

“*potentially identifying information*” is judged according to the Information Privacy Principles as follows: whether an individual’s identity is apparent or can reasonably be ascertained will depend on both the information and the circumstances in any given case. In examining whether a person’s identity is apparent or may reasonably be ascertained, it is appropriate to consider how information from other sources may be used in conjunction with the recorded information or opinion to ascertain identity. Consider whether identity can be reasonably ascertained, not whether anyone – the organisation holding it or a third party – intends to try.

“*population sample*” means a group of individuals selected to participate in research because they fit selected criteria of interest. Where a population sample is being used for extraction of law enforcement records, the identity of participants will not be known in advance.

“*RCC*” means the Victoria Police Research Coordinating Committee, the role of which includes but is not limited to the following: approval, management and co-ordination of research requests and access to Victoria Police resources.

“*release*” means any disclosure of law enforcement data.

“*research*” includes “*human research*” and any investigation or activity undertaken to gain knowledge and understanding, through testing and analysis of materials, components and processes, as defined in the *National Statement on Ethical Conduct in Human Research* and as outlined above.

“*researcher*” means a person holding responsibility, total or partial, for the implementation of a research project.

“*sanitise*” means erase an electronic device so thoroughly that no Data can be recovered from it.

“*security check*” refers to a National Police Record Check. A security check will comprise a minimum of:

- (a) a name search of the National Names Index, however titled;
- (b) a name search of LEAP and/or other jurisdictions where identified by the search of the National Names Index; and
- (c) a search of LEAP for pending charges.

Under certain circumstances, a full security check (which comprises a name and fingerprint check) may be required. A full security check will include details of all court convictions, guilty verdicts or custodial sentences. Details of all outstanding charges or pending matters will also be included.

“*sensitive information*” has the same meaning as that in the PDP Act which provides that “sensitive information” means information or an opinion about an individual’s -



- i. racial or ethnic origin; or
- ii. political opinions; or
- iii. membership of a political association; or
- iv. religious beliefs or affiliations; or
- v. philosophical beliefs; or
- vi. membership of a professional or trade association; or
- vii. membership of a trade union; or
- viii. sexual preferences or practices; or
- ix. criminal record – that is also personal information; unique identifier means an identifier (usually a number) assigned by an organisation to an individual uniquely to identify that individual for the purposes of the operations of the organisation but does not include an identifier that consists only of the individual's name but does not include an identifier within the meaning of the [Health Records Act 2001](#).

“*State*” means the Crown in the right of the State of Victoria.

“*VPHREC*” means the Victoria Police Human Research Ethics Committee, the role of which is:

- (a) to protect the welfare and the rights of participants in research;
- (b) to ensure appropriate procedures are in place to meet the ethical standards for the conduct of research.