Justice Health and
Forensic Mental Health Network

Justice Health NSW Policy

Media and External Communications

Issue Date: 01 June 2023

Together for
Healthier Tomorrows

Media and External Communications

Policy Number 2.018

Policy Function Leadership and Management

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Risk Rating High

Summary This policy outlines the key roles and responsibilities for Justice Health NSW staff when managing media enquiries or making public comment in a personal capacity or on behalf of the organisation.

Responsible Officer Director, Office of the Chief Executive

Applies to
☒ Administration Centres
☒ Community Sites and programs
☒ Health Centres - Adult Correctional Centres or Police Cells
☒ Health Centres - Youth Justice Centres
☒ Long Bay Hospital
☒ Forensic Hospital

CM Reference POLJH/2018

Change summary
- Minor wording changes (replacement of 'The Network' with 'Justice Health NSW')
- Current contact details added for Communications team
- Intranet links updated
- Policy titles updated

Authorised by Chief Executive, Justice Health and Forensic Mental Health Network

Revision History

#	Issue Date	Number and Name	Change Summary
4	June 2023	2.018 Media and External Communications	• Minor wording changes (replacement of 'The Network' with 'Justice Health NSW') • Current contact details added for Communications team • Intranet links updated • Policy titles updated

3	June 2019	2.018 Media and External Communications	• Alignment with NSW Health policy directive PD2017_012 *NSW Health Public Communication Procedures*; and • Policy titles updated
2	July 2025	2.018 Media and Communications (External)	• This policy has been revised and updated to include updated contact information and web links.
1	August 2013	2.018 Media and Communications (External)	• New policy – replaces *Guidelines for the Provision of Information to the Media 2011*

PRINT WARNING

Printed copies of this document, or parts thereof, must not be relied on as a current reference document.

Always refer to the electronic copy for the latest version.

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Table of Contents

1. Preface 5
2. Policy Content 5
2.1 Mandatory Requirements 5
2.1.1 Individual privacy and confidentiality 5
2.1.2 Approval and consultation 6
2.1.3 Accuracy 6
2.1.4 Consent 6
2.1.5 Justice Health NSW information 6
2.2 Implementation – Roles and Responsibilities 6
3. Procedure Content 7
3.1 Receiving and responding to media enquiries 7
3.2 Reporting known contentious issues or matters of media or public interest 8
3.3 Requests for patient information 8
3.4 Requests for comment on Coronial or other legal proceedings 9
3.5 Proactive media engagement 10
3.6 Expert opinion on health matters 10
3.7 Professional journals and specialist health publications 10
3.8 Providing advice or submissions to external inquiries 11
3.9 Requests to interview, film, photograph, or publish artwork 11
3.10 Public comment and expression of personal views 12
3.11 Official Justice Health NSW use of social media 12
3.12 Personal use of social media by Justice Health NSW staff 12
3.13 Communicating with Aboriginal and culturally and linguistically diverse patients and communities 13
3.14 Monitoring of local media 13
3.15 Media requests for information under the GIPA Act 13
4. Definitions 13
5. Related Documents 14

1. Preface

This policy applies to all Justice Health and Forensic Mental Health Network (Justice Health NSW) staff and is designed to support them in the effective management of external communication activities.

This policy outlines the key roles and responsibilities of Justice Health NSW staff when managing real and potential matters of media or public interest, and making public comment in a personal capacity or on behalf of the organisation.

In particular, this policy provides guidance on the following:

- Responding to media enquiries
- Privacy and confidentiality – patient, staff and Justice Health NSW information
- Consent to be filmed, photographed, interviewed or use artwork – patients and staff
- Public comment and expression of personal views
- Communicating with the NSW Ministry of Health (the Ministry) and other key stakeholders
- Dealing with potentially contentious or public interest issues
- Requests for expert opinion on health matters

Justice Health NSW uses a variety of communication channels to communicate with staff, patients, families and carers, key stakeholders and the wider community. These include:

- Intranet (internal)
- Outdoor advertising and signage
- Digital media and online channels, such as email, the Justice Health NSW website, social media
- Print media, including patient information, brochures, posters, annual publications and other corporate-branded materials
- Broadcast media, such as television news stories, short films and audio recordings.

The organisation's engagement and communication with external stakeholders is underpinned by NSW Health Policy Directives PD2017_012 *NSW Health Public Communication Procedures* and PD2015_049 *Code of Conduct*; and Justice Health NSW procedure 7.025 *Code of Conduct*.

2. Policy Content

2.1 Mandatory Requirements

2.1.1 Individual privacy and confidentiality

Communications that identify, or could reasonably identify, individual patients or staff must comply with relevant Justice Health NSW policies and the NSW Health *Privacy Manual for Health Information*.

Consideration must also be given to security and commercial in-confidence aspects of our healthcare settings and operations.

The privacy and dignity of patients and staff must be protected during external communication activities.

2.1.2 Approval and consultation

Staff must not provide Justice Health NSW comment or information to the media without prior approval of the Chief Executive; and must contact the Associate Director Communications if approached by media. Responses must be developed by, or in consultation with the Justice Health NSW Communications team. Media responses require approval of the Justice Health NSW Chief Executive, Ministry of Health Media unit, and relevant Minister's office.

2.1.3 Accuracy

Justice Health NSW staff involved in external communication activities such as proactive and reactive media, must ensure facts are appropriately sourced and verified; and responses reflect the organisation's formal position.

2.1.4 Consent

Individual staff and patients must not be interviewed, filmed, or photographed without their express written consent. Consent is assumed for general filming and photography at Justice Health NSW events, however care should be taken to exclude images or footage of any individual who requests not to be filmed or photographed.

2.1.5 Justice Health NSW information

Staff must not access, use, disclose or release any internal organisational documents obtained in the course of official duties, unless authorised to do so. Consistent with Justice Health NSW procedure 7.025 *Code of Conduct*, staff must also maintain the security of confidential or sensitive organisational information, including material stored on communication devices.

2.2 Implementation – Roles and Responsibilities

All staff are responsible for:

- Alerting the Communications team to any real or potential contentious issues or incidents as soon as possible. This will support the development of an appropriate and timely Justice Health NSW response.
- Sharing local initiatives, achievements and stories with the Communications team for potential proactive media engagement.
- Verifying that written consent is obtained for all persons appearing in images selected for use prior to submitting them for publication.
- Referring media enquiries and requests for individual comment to the Communications team.
- Reporting inappropriate behaviour or material published online to their local manager.

Managers are responsible for:

- Investigating and responding to alleged breaches of this policy in accordance with NSW Health Policy PD2025_021 Managing Misconduct, Serious Performance and Child Related Concerns.

The Associate Director Communications (or their delegate) is responsible for:

- Being the primary Justice Health NSW contact for media enquiries. This includes on-call responsibilities, and liaison with the Chief Executive, Ministry of Health, Ministers' offices and partner agencies.
- Coordinating and preparing media responses, Incident Briefs, and potential media announcements.
- Coordinating media training for identified Justice Health NSW staff.
- Identifying Justice Health NSW spokespeople in consultation with the Chief Executive.

The Chief Executive is responsible for:

- Approving Justice Health NSW responses, advice, and identified spokespeople.
- Advising the Justice Health NSW Board and other relevant stakeholders of real or potential contentious issues of a significant nature, where relevant.

3. Procedure Content

3.1 Receiving and responding to media enquiries

All Justice Health NSW engagement with journalists and media outlets is coordinated by the Communications team.

Staff who receive a media enquiry should undertake the following steps:

1. Confirm the individual's name, contact details and organisation they work for.
2. Obtain brief details on the subject of the enquiry.
3. Explain that you are not authorised to respond to the enquiry.
4. Advise them their request needs to be made to the Communications team via email on [redacted]. If after hours, the journalist should be advised to contact the on-call Communications team member on [redacted]
5. Contact the Communications team to alert them to the pending media enquiry. If the enquiry is after hours, please contact the on-call team member on the above number.

The Communications team will liaise with the Chief Executive, relevant internal staff, and media or other contacts in our partner agencies, the Ministry, and the relevant Minister's office to:

- Alert them to the enquiry;
- Confirm whether enquiries have been made to other health or associated entities (e.g. CSNSW), or have system-wide implications;
- Coordinate internal advice to inform a response;
- Identify a suitable Justice Health NSW spokesperson, if required; and

- Obtain necessary internal and external review and approvals.

Justice Health NSW spokespeople are determined by the Associate Director Communications, and approved by the Chief Executive. They must have completed formal media training while at Justice Health NSW, unless by exception.

For matters of a highly contentious or sensitive nature, decisions on how the issue is handled will be made in consultation with the Ministry and the relevant Minister's office.

To support Justice Health NSW's reputation, responses must be provided to media organisations within identified deadlines, where reasonable. The Communications team manages after-hours media enquiries.

The Communications team will determine, in consultation with the Chief Executive, if a formal brief (Incident or Information brief) is required.

Media representatives are not allowed to enter a Justice Health NSW facility or property unless accompanied by a member of the Communications team or nominated staff member. Any unauthorised attendance by a media representative should be reported to security and the Communications team (or on-call staff member if after hours).

For media representatives requesting to view or attend a Mental Health Review Tribunal (MHRT) hearing – either via video streaming or in person at the Forensic Hospital, approval must be sought and obtained from the MHRT.

3.2 Reporting known contentious issues or matters of media or public interest

Staff must alert the Communications team to any real or potential contentious issues, incidents, or matters of media or public interest. This will support the development of an appropriate and timely Justice Health NSW response.

The Communications team must advise the Ministry's media unit of relevant contentious issues, irrespective of whether a media enquiry has been received. This supports system-wide media management, including necessary briefings through to the Ministers. Subjects include but are not limited to:

- Significant staff conduct or professional practice incidents or allegations
- Incidents or risks to staff or patient safety
- Issues that may affect more than one NSW Health organisation (e.g. statewide matters, public health outbreaks)
- Industrial matters or action
- Media vision requests of a serious nature
- Specific media enquiries about patients or requests for expert medical information that may have broader implications for NSW Health
- Issues with NSW Health or government policies or strategies
- Issues of a political nature.

The Chief Executive will advise the Justice Health NSW Board and other relevant stakeholders of significant real or potential contentious issues, as required.

3.3 Requests for patient information

If staff receive a request for information on a patient, the employee must first obtain the full name of the person enquiring and the nature of their relationship to the patient (e.g. spouse, family member, friend, legal representative, journalist).

If the staff member suspects the person is not who they say they are, they should confirm the caller's name and contact details, and advise that a supervisor or member of the Communications team will return their call.

Non-media related requests should be managed in accordance with the NSW Health Privacy Manual for Health Information. Please also refer to Justice Health NSW procedure 9.047 *Requesting and Disclosing Health Information* for additional information. Staff should contact the Justice Health NSW Medico-Legal Manager in the Health Information and Records Service (HIRS), for further advice on requests for patient information.

Health information includes details or opinion on:

- A person's physical or mental health, or disability;
- Medical history;
- Health services provided or to be provided to that person (even if referenced in a general way);
- A person's wishes about the future provision of health care to them.

Patient information cannot be given without consent from the patient or their Authorised Representative, such as a guardian, carer or next of kin.

For media enquiries, staff may neither confirm nor deny the current or past presence of a person in the facility. As per 3.1 above, staff should refer the request to the Communications team. It should be noted that refuting incorrect information in the public domain, or even a general comment confirming the patient's access to care as needed, may have the effect of confirming a patient's current or past presence in a facility, and is a breach of the patient's privacy.

Condition reports to the media for an identified patient cannot be released without the consent of the patient or their Authorised Representative or Guardian. Condition reports to the media for an unidentified patient may be provided by the Associate Director Communications. The report should be limited to de-identified information such as the age and sex of the patient, together with a condition report indicating the patient is stable, critical, serious, or serious but stable. In some instances it may be appropriate to include other non-identifying information, such as the location the person required emergency care.

Privacy rules continue to apply to deceased persons for thirty years following their death. Requests for confirmation of a patient's death, or any other personal or health information cannot occur without consent of the patient's widow/widower, close relatives or Authorised Representative (normally the executor of the deceased person's will). The decision to disclose information should also have regard for any view expressed by the patient to staff prior to death, either in writing or noted in the patient's health record. This includes any advanced care directive made by the patient. Justice Health NSW policy 1.120 *Management of a Death* provides further advice on procedures for formal next of kin notifications in the event of a patient death.

3.4 Requests for comment on Coronial or other legal proceedings

These requests are to be managed in accordance with 3.1 above. In the majority, Justice Health NSW will not comment on current legal proceedings so as not to prejudice or influence a matter before the court. In some cases, there are also non-publication orders in place regarding the proceedings or names of those involved.

If Justice Health NSW is a party to the proceedings, the Justice Health NSW Chief Executive, and legal adviser instructing the external lawyers or managing the proceedings on behalf of Justice Health NSW, will be notified by the Communications team of a request for comment. If Justice Health NSW wishes to provide comment to the media on legal proceedings or other litigation they are a party to, the Ministry's Legal Branch should be contacted for advice prior to any comment.

3.5 Proactive media engagement

The organisation at times proactively engages media representatives to build and promote the Justice Health NSW brand and services. This activity is led by the Communications team, in consultation with the Chief Executive and relevant staff.

The Communications team will work with managers and staff to develop story ideas, and identify Justice Health NSW spokespeople and vision opportunities.

Staff are encouraged to alert the Communications team to issues that may have news value (media or public interest), such as:

- Interesting initiatives, data, or events;
- Unique or strong examples of Justice Health NSW staff/services advancing evidence-based best practice care;
- Recently published research they may be involved in;
- Positive patient outcomes; and
- Staff, team or facility achievements or milestones.

3.6 Expert opinion on health matters

The media may contact a health professional for information or public comment related to their area of clinical expertise. These requests must be referred to the Communications team to coordinate necessary approval from the Chief Executive.

Staff who are asked to provide media comment in a professional capacity other than their employment with Justice Health NSW (e.g. as a private practicing clinician or as a spokesperson for an external body such as a professional college or university), must make clear they are speaking in their private capacity or on behalf of that particular organisation. Any public comment made in this alternate capacity must not be associated with the person's role at Justice Health NSW. Communications team should be advised of these requests prior to responding to enable assessment of any potential risk or opportunity for Justice Health NSW.

3.7 Professional journals and specialist health publications

Reporting innovations and growing the evidence-base for health care in Justice Health NSW is strongly encouraged. Copies of articles accepted for publication should be sent to the Associate Director Communications before the publication date to enable them to prepare for any media or external interest, and to explore opportunities for proactive publicity. Staff who

receive enquiries from professional specialist journals should immediately contact the Communications team.

Staff who would like to respond to a published article as a representative of Justice Health NSW, such as a letter to the editor, must first contact the Communications team, who will coordinate necessary internal approvals.

3.8 Providing advice or submissions to external inquiries

Justice Health NSW is occasionally invited to provide information, informal advice, formal submissions, or appear in an official capacity before an external inquiry, such as those led by a NSW or Federal parliamentary committee, or royal commission. Such requests should be referred to the Office of the Chief Executive for liaison with the Ministry, as per NSW Health Policy Directive PD2017_012 *NSW Health Public Communication Procedures*. It is the preference of the NSW Government to have a coordinated and single Government position for such inquiries. If Justice Health NSW is approached for advice or wishes to make a submission, the Manager, Office of the Chief Executive, will request via the Ministry's Executive and Ministerial Service to provide input on a whole-of-government or whole-of-health submission, or to submit an individual Justice Health NSW submission.

3.9 Requests to interview, film, photograph, or publish artwork

Individual staff and patients must not be interviewed, filmed, or photographed without their expressed written consent. Neither patients, nor staff, are obliged to participate and their decision must be respected. Records of written consent must be saved in the organisation's Content Manager system. Staff coordinating this activity must verify that written consent is obtained for all persons appearing in images/footage selected for use prior to submitting them for publication.

Consideration should be given to a patient's capacity to consent, and the impact participation may have on their health and wellbeing. Consultation may need to occur with the patient's treating clinician or Authorised Representative.

Section 162 of the Mental Health Act 2007 (NSW) restricts the publication of names, pictures or other information that would identify people involved in Mental Health Review Tribunal hearings – including before and after the hearing is completed. This is to support the privacy and full participation of patients, carers, victims, health practitioners and other participants in the hearings. The only exception is if the Tribunal gives consent. The Tribunal's Practice Direction outlines the process for making an application to the Tribunal. Staff considering making an application must contact the Justice Health NSW Communications team, who will coordinate consultation with the Justice Health NSW Chief Executive, legal adviser, and other relevant stakeholders.

When making a request, the staff member or patient should be informed of the purpose and intended use of the recording or image (e.g. therapy, health promotion, publicity etc).

When filming consenting patients, de-identifying techniques can be applied during filming or photography (such as choice of camera angles, use of silhouettes), or applied by the videographer or photo editor in post-production, such as the use of block-out techniques.

Consent is assumed for general filming and photography at Justice Health NSW events, however care should be taken to exclude images or footage of any individual who requests not to be filmed or photographed.

If Justice Health NSW or staff wish to display or reproduce patient artwork for use in publications, events, or other promotional materials, written consent must first be obtained from the patient (or their primary carer). The patient should also be informed about the intended use or reproduction of the artwork. Evidence of the written consent should be registered in Content Manager.

Requests for filming or photography by film-makers or private operators are coordinated by the Communications team, in consultation with the Ministry's Strategic Communications and Engagement Branch, where required. Standardised filming and location agreements are required prior to commencing.

Staff must contact the Justice Health NSW Communications team if directly approached to participate in filming, interviews, or similar activities coordinated by partner agencies (Corrective Services NSW, Youth Justice NSW) or external parties.

3.10 Public comment and expression of personal views

Justice Health NSW staff and contractors have the right as private citizens to publicly express their personal views on political and social issues. Public comment includes comments to the media, public speaking engagements, views expressed in letters to newspapers, information published online and any other form of publication.

However staff must:

- not give the impression they are representing, giving opinions, or speaking on behalf of Justice Health NSW;
- not use the Justice Health NSW logo, letterhead, or titles that would indicate their comment was authorised by Justice Health NSW; and
- not imply or indicate their views are those of Justice Health NSW or NSW Health when making public comment or participating in political or industrial activities.

3.11 Official Justice Health NSW use of social media

Social media is used by Justice Health NSW as a professional communication channel targeting external audiences. All channels are managed by the Communications team, with input from relevant staff. Official Justice Health NSW spokespeople will be identified and approved as outlined at 3.1.

All social channels should have clear governance mechanisms to guide, monitor and evaluate messaging and ensure consistent branding. Further guidance is provided in PD2017_012 *NSW Health Public Communication Procedures* (section 9.2.1).

3.12 Personal use of social media by Justice Health NSW staff

Any comment on a social media site is not private and could be considered public comment. Justice Health NSW staff should be mindful of their private use, particularly if they directly or indirectly identify themselves as a Justice Health NSW employee via their profile or content of their posts. Whether on or off duty, the conduct of staff will reflect on Justice Health NSW and wider NSW Health system. This is not only about safeguarding the reputation of Justice Health NSW, but also about ensuring staff privacy and personal information is protected.

As per 3.10 above, Justice Health NSW staff are entitled to publicly express their personal views on political and social issues via social media. In accordance with Justice Health NSW procedure 7.025 *Code of Conduct* and NSW Health PD2017_012 *NSW Health Public*

Communication Procedures and PD2025_021 *Managing Misconduct, Serious Performance and Child Related Concerns*, staff must:

- not use or release official Justice Health NSW or NSW Health information without proper authority, such as discussing or providing information that could identify patients or divulge patient information;
- avoid conduct that could bring Justice Health NSW or any of its staff or patients into disrepute; and
- avoid making comments that identify or imply your role or association with Justice Health NSW or the NSW Health system.

Staff must report any inappropriate behaviour or material published online to their local manager.

3.13 Communicating with Aboriginal and culturally and linguistically diverse patients and communities

Staff should consider the accessibility and appropriateness of any communications to people from culturally and linguistically diverse (CALD) backgrounds. This includes writing in plain English, utilising translation services, providing patient health information in multiple languages, and consulting with relevant communities or experts to ensure targeted messages are culturally safe.

Staff should seek advice and feedback from Aboriginal stakeholders when developing external communications related to Aboriginal people and communities to ensure targeted messages are suitable and culturally safe.

3.14 Monitoring of local media

Justice Health NSW monitors media and public references to the organisation and its services. Staff members are encouraged to advise the Communications team of any local media coverage, including forwarding a copy of the story or details on the subject, media outlet, and date of publication/broadcast, if available to [redacted]

3.15 Media requests for information under the GIPA Act

All requests for information under the *Government Information (Public Access) Act 2009* (GIPA), including those from media representatives, must be referred to the Justice Health NSW Right to Information Officer.

4. Definitions

Authorised Representative

An Authorised Representative is defined in the *Health Records and Information Privacy Act 2002* (NSW) as:

a) an attorney for the individual under an enduring power of attorney

b) a guardian within the meaning of the Guardianship Act 1987, or a person responsible within the meaning of Part 5 of that Act

c) a person having parental responsibility for the individual, if the individual is a under 18, or

d) a person who is otherwise empowered under law to exercise any functions as an agent of, or in the best interests of, the individual.

Must

Indicates a mandatory action to be complied with.

Should

Indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

5. Related Documents

Legislations	*Government Information (Public Access) Act 2009* *Health Records and Information Privacy Act 2002* *Privacy Personal Information Protection Act 1998*
Justice Health NSW Policies, Guidelines and Procedures	1.120 *Management of a Death* 7.025 *Code of Conduct* 9.047 *Requesting and Disclosing Health Information*
Justice Health NSW Forms	Nil.
NSW Health Policy Directives and Guidelines	PD2015_049 *Code of Conduct* PD2017_012 *NSW Health Public Communication Procedures* PD2025_021 *Managing Misconduct, Serious Performance and Child Related Concerns* *Privacy Manual for Health Information*
Other documents and resources	Nil.