



Australian Government

BSBLEG304 Apply the principles of confidentiality and security within the legal environment

Release: 1

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Modification History

Release	Comments
Release 1	This version first released with BSB Business Services Training Package Version 1.0.

Application

This unit describes the skills and knowledge required to use ethical behaviour when dealing with sensitive and confidential information in a legal environment.

It applies to individuals who provide services to support legal practitioners, while under supervision. This unit underpins all units of competency in the Legal Services stream.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication.

Unit Sector

Administration – Legal Services Administration

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Work within accepted codes of conduct	1.1 Submit work for review and approval by the legal practitioner who delegated the task/s 1.2 Keep paperwork up to date and forward reports on the progress of matter/s to clients regularly according to instructions and relevant legislation 1.3 Ensure contact with the opposing party in legal disputes occurs only under the specific direction of the legal practitioner responsible for the matter 1.4 Promptly communicate conflict of interest or potential conflict of interest in a legal matter to the legal practitioner responsible for the matter

ELEMENT	PERFORMANCE CRITERIA
	1.5 Treat clients and fellow workers with respect 1.6 Take care to behave with honesty and integrity at all times 1.7 Direct trust account monies to legal practitioner for receipt
2. Follow confidentiality procedures	2.1 Assess information with regard to what is and what is not disclosable 2.2 Use discretion and judgement in all communications 2.3 Discuss client-related matters only within the confines of the practice and with appropriate personnel
3. Follow security procedures	3.1 Appropriately store and secure file related information, including electronically stored information 3.2 Hold discussions relating to client matters in a private location 3.3 Ensure all documents/exhibits relating to a file are locked away securely after use according to a firm's policies and procedures 3.4 Ensure all materials required by legislation to be stored for certain periods of time are clearly labelled and stored securely according to a firm's policies and procedures

Foundation Skills

This section describes language, literacy, numeracy and employment skills incorporated in the performance criteria that are required for competent performance.

Skill	Performance Criteria	Description
Reading	1.2, 2.1, 3.3, 3.4	Recognises and interprets textual information to determine and to adhere to the firm's practices
Writing	1.1, 1.2, 3.4	Legibly and correctly completes and updates documentation
Oral Communication	1.4, 2.3, 3.2	- Participates in spoken exchanges using structure and language to suit the audience - Uses active listening and questioning techniques to confirm understanding
Navigate the world of work	1.2, 1.3, 1.4, 2.1-2.3, 3.2, 3.3, 3.4	Complies with legislative obligations and follows ethical requirements, policies and procedures relevant to own role
Interact with	1.1, 1.3, 1.5, 1.6,	Follows accepted communication practices and protocols for submitting work or discussing

others	2.2, 2.3, 3.2	client-related matters
Get the work done	1.1, 1.2, 1.4, 1.7, 3.1, 3.3, 3.4	- Plans, organises and implements tasks to achieve outcomes according to organisational requirements - Addresses problems by implementing standard procedures, referring problems outside own scope of responsibility to others - Uses digital systems and tools to access and store information, understanding the need for security of all data

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
BSBLEG304 Apply the principles of confidentiality and security within the legal environment	BSBLEG304A Apply the principles of confidentiality and security within the legal environment	Updated to meet Standards for Training Packages	Equivalent unit

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=11ef6853-ceed-4ba7-9d87-4da407e23c10>

Assessment Requirements for BSBLEG304 Apply the principles of confidentiality and security within the legal environment

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Performance Evidence

Evidence of the ability to:

- apply all relevant statutory legislation including the Code of Conduct, Legal Practice Act and The Judicial Act to ensure all work is performed with honesty and integrity
- identify and apply standard resolutions to breaches of confidentiality, security and conduct by self and others within the firm
- provide clear, relevant and correct assistance and advice to co-workers
- handle, store and secure all electronic and paper-based confidential information according to firm's policies and procedures
- seek advice from appropriate sources where the level of confidentiality required in a situation is unclear.

Note: If a specific volume or frequency is not stated, then evidence must be provided at least once.

Knowledge Evidence

To complete the unit requirements safely and effectively, the individual must:

- outline the scope of the legal practitioner/support role and own responsibilities and obligations to provide legal advice, complete or sign off on legal work and/or appear in court as described by relevant jurisdiction(s)
- identify firm's policies and procedures
- outline accepted codes of conduct including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest

- compliance with reasonable direction
- summarise relevant court processes, current legislation, legal processes and required documentation.

Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced in the legal services administration field of work and include access to:

- office equipment and resources
- legislation and regulations relevant to common legal matters
- background information on courts, their jurisdiction and behavioural requirements
- people with expert knowledge.

Assessors must satisfy NVR/AQTF assessor requirements.

Links

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