

# Procedure: Higher degree by research - use of confidential or restricted information in theses

## Purpose

To provide steps for students and supervisors for the use of confidential or restricted information in higher degree by research theses.

## Procedure

1. This document is read in conjunction with the Research Awards Rule and gives effect to Section 61 “Request for non-disclosure of thesis’ of those rules, including circumstances under which the Deputy Vice-Chancellor’s relevant functions are delegated.
2. On the award of a Higher Degree by Research, an electronic copy of the thesis is made available for general consumption through the University library.
3. However, in exceptional circumstances it may be necessary to request confidentiality and/or to restrict access to a thesis either because of the use of confidential or restricted information or to protect student’s IP or other interests.
4. Where confidential information is used, both the student and University are obliged to abide by all decisions in relation to confidentiality and ensure that open access is not available to those portions of the thesis where access has been restricted or prohibited.
5. Any restriction or prohibition of access to an appendix to a thesis, to a part of a thesis, or to a thesis or other publication is subject to the relevant laws in force at the time of the Commonwealth of Australia and the Australian Capital Territory

## Generation of confidential information

6. Confidential information may be generated from research itself, by interactions with a third party, or obtaining information regarded as confidential from a third party.
7. Confidential information that is generated may include:
  - a. Requirements to prevent the substance of information becoming public;
  - b. Requirements to restrict the way in which information is expressed;

- c. Requirements to maintain confidentiality regarding the source of information;
  - d. Ethical standards in regards to the conduct of research and statements in those standards in relation to confidential information;
  - e. Where a contractual agreement or undertaking has been entered into in relation to the use of any information that is required to be kept confidential;
  - f. Where permission cannot be obtained to reproduce copyright material.
8. Prior to entering into any agreement with a third party which includes a confidentiality clause the student:
- a. is made aware of the Student Intellectual Property procedure; and
  - b. advised to seek independent advice, for example legal assistance from PARSA/ANUSA, in relation to the conditions of the agreement.

### **Format of Confidential Information in a Thesis**

9. If a thesis contains confidential information it is confined to a Confidential Appendix wherever possible.

### **Confidential appendix**

10. A confidential appendix is used when the material is additional evidence and not the sole evidence to sustain an important argument. It is minor or ancillary in relation to the principal arguments.

11. Every effort is made to find alternative sources which make the same point. Where confidential information provides the only source of a point of some substance, the point is stated in the thesis with a qualification such as 'there is reason to believe that...'.

12. If the restriction is solely on source or attribution, the student quotes or summarises the material in the thesis and gives as much information as possible in the thesis to show reliability, with the full source stated in the 'Confidential Appendix'.

### **Confidential chapter or chapters**

13. In exceptional cases, where it is not possible to have all of the confidential information contained in a Confidential Appendix, confidential information is inserted in a chapter or chapters of the thesis or throughout the thesis as a whole.

## Approval process

14. Where it is necessary to request confidentiality or to restrict access for reasons of confidential or restricted information in a thesis or to protect students' interests, a proposal including rationale and timeframes is developed by the student in consultation with the primary supervisor and Chair of Panel in advance of the intended submission date and prior to any notification to submit.
15. The restriction of access to all or part of a thesis is normally approved only for a specified timeframe.
16. Where confidentiality and/or restricted access is requested for less than 12 months the approval is considered to be granted automatically, and that request is made online as part of the [Notice of Intention to submit eForm](#).
17. Where confidentiality and/or restricted access is requested for greater than 12 months, the application includes a brief but concrete summary addressing the following points:
  - a. why the interests of the student would be damaged by making the thesis available;
  - b. why these risks abate after the period of the requested delay;
  - c. whether these risks were known by the student and/or supervisor at the time of application for candidature or approval of the thesis topic;
  - d. whether applications for patents or other protection for intellectual property have been submitted and the student is listed as an inventor;
  - e. whether the studies were funded under contract from a funder and the contracts requires the thesis to be held on restricted access;
  - f. whether the thesis contains confidential material or material which may cause distress, offence to or impact the safety and security of particular groups.
18. Where confidentiality and/or restricted access is requested for greater than 12 months, the request and timeframe is:
  - a. Reviewed by the Delegated Authority and Associate Dean; and
  - b. Approved by the Dean, Higher Degree Research acting under delegation from the Deputy Vice-Chancellor.

## **Examination Process**

19. The submission and examination process is as per the *Submission and Examination of Higher Degree by Research Theses Procedure*, with the following revisions:

- a. In the case of a Confidential Appendix, the appendix is submitted separately to the thesis;
- b. Examiners sign a non-disclosure agreement prior to the dispatch of the thesis for examination;
- c. Appendices or theses are made available to examiners on a confidential and temporary basis in line with the approval from the Deputy Vice-Chancellor.

## **Confidentiality timeframes**

20. Where an agreement is entered into with a third party, in relation to the length of time any information is to remain confidential. The length of time access to the information is restricted is in accordance with that agreement.

21. In exceptional circumstances the Deputy Vice-Chancellor may approve confidentiality or restricted access for a longer or indefinite amount of time.

22. The timeframe commences from the date that the thesis is submitted to the ANU library.

## Document information

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