



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

## Purpose

To provide guidance for candidates and supervisors on the use of confidential or restricted information in higher degree by research theses. This procedure does not cover restrictions of access to theses for the purpose of protecting Intellectual Property (IP) or other interests. For more information please refer to the Intellectual Property Policy, and the Student Intellectual Property Procedure.

## Definition

**Confidential Information:** is information that must be protected for the privacy or security of an individual, group, community or organisation. The kinds of sensitive information most likely to be included in a thesis, include, but are not limited to:

- Information which could damage commercial interests
- Information provided on the condition that it remains confidential
- Information that is politically sensitive
- Personal information – unless disclosure is permitted pursuant to the Privacy Act (Cth) 1988 and/or the ANU *Privacy Policy*.
- Culturally or socially sensitive material
- Content referring to legal cases and legally privileged information
- Information obtained pursuant to a contractual agreement or undertaking in relation to the use of any information that is required to be kept confidential.

**Restricted information:** may be information that is limited for distribution because of a contractual obligation. In the event of misconduct, inquiry or complaint, all or part of any thesis submitted may be subject to temporary restricted access by the University, in line with the disciplinary and complaints resolution processes.

## 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, the thesis will be available via Open Access through the University library.
3. In exceptional circumstances, it may be necessary to request full confidentiality and/or to restrict access to a thesis because of the use of confidential or restricted information. Full confidentiality refers to an examination process where the examiners are bound by a confidentiality agreement and the thesis, once approved, has restricted access.
4. Where confidential information is used, both the candidate 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.
8. Prior to entering into any agreement with a third party which includes a confidentiality clause the candidate:
  - a. Should read the Student Intellectual Property procedure; and
  - b. Should seek independent advice, for example legal assistance from PARSANUSA, in relation to the conditions of the agreement.

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

9. If a thesis contains confidential information, it should be confined to a Confidential Appendix wherever possible.
10. Where section 9 is not possible, confidential information should be inserted in a chapter or chapters of the thesis or throughout the thesis as a whole.

## **Approval process**

11. Where it is necessary to request full confidentiality or to restrict access for reasons of confidential or restricted information in a thesis, a proposal including rationale and timeframes is developed by the candidate in consultation with their supervisory panel in advance of the intended submission date and prior to any notification to submit.
12. The restriction of access to all or part of a thesis is normally approved only for a specified timeframe.
13. Full confidentiality is requested online as part of the *Notice of Intent to Submit* eForm, and approved by Dean HDR.
14. Where restricted access is requested for 12 months or less the approval is considered to be granted automatically and the request is made online as part of NOI. Restricted access for greater than 12 months requires approval by Dean HDR.
15. 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. what part of the thesis is confidential and why;
  - b. why these risks abate after the period of the requested restriction;
  - c. whether these risks were known by the candidate and/or supervisor at the time of application for candidature or approval of the thesis topic;
  - d. whether the research was funded under contract from a funder and the contract requires the thesis to be held on restricted access;
  - e. whether the thesis contains confidential material or material which may cause distress, offence to or impact the safety and security of any person..
16. Where 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**

17. The submission and examination process follows the *Submission and Examination of Higher Degree by Research Theses Procedure*, with the following revisions:

- a. In the case of a Confidential Appendix or chapters, the appendix or chapters are 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 Dean, Higher Degree Research.

## **Confidentiality timeframes**

18. Where an agreement is entered into between a candidate and a third party the length of time access to the information is restricted is in accordance with that agreement.

19. In exceptional circumstances the Dean, Higher Degree Research may approve confidentiality or restricted access for a longer or indefinite amount of time.

20. The timeframe commences from the date of approval, or the date the thesis is deposited to the ANU library, whichever is later.

## Document information

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