



Information sharing



"My information is treated and shared respectfully and only if necessary."

Intent

We are kaitiaki of people's information and respect the trust and expectations of confidentiality that rangatahi and staff/kaimahi have of us in our relationship with them.

We inform rangatahi and kaimahi about the limits of confidentiality and disclose their personal information to others only in accord with law and our policies.

Definitions

"Authorised agency or practitioner" in this policy refers to a family violence agency or social services practitioner.

"Child protection purpose" refers to any of the purposes outlined in [section 66C of the Oranga Tamariki Act 1989](#).

"Family violence" is defined in [section 9 of the Family Violence Act 2018](#).

"Family violence purpose" refers to any purpose outlined in [section 20 of the Family Violence Act 2018](#):

- to make or contribute to a family violence risk or needs assessment



- make or contribute to a decision or plan that is related to or responds to family violence
- help ensure that a victim is protected from family violence.

“Personal information” is information about an identifiable, living human being. It includes all information whether paper, digital, or electronic which identifies a person – eg rangatahi, staff member/kaimahi, ex-rangatahi, volunteer.

General rules

The general rules are:

- people will be informed about and must consent to their information being shared with others, including with other professionals, before it is shared. Parental consent will be obtained before the personal information of a child/rangatahi can be shared
- people will be told on entry about when their personal information may be disclosed and who, in the organisation and externally (eg auditors), will have access to it
- any disclosure of personal information will only be to the extent necessary to the work/mahi and within the scope agreed with the person to whom it relates
- all due care will be taken to safeguard privacy when transferring or sharing personal information
- information about a person's associate or another person (eg partner, or parent) will be treated as confidential and will not be disclosed to others unless the exceptions below apply
- personal information obtained from third parties (eg supplied by a doctor or another health worker) will not be disclosed or shared without the consent of the person to whom it relates unless the exceptions (below) apply
- if a person does not consent to the disclosure of their personal information but the disclosure is mandated or allowed by law, their views will be obtained, considered and recorded
- if staff/kaimahi are contacted by individuals or agencies seeking a person's information and are unsure about releasing it, they should



discuss this with management/senior staff member before responding.

Exceptions to the rules

Personal information may be shared without consent and only to the extent necessary if one of the following circumstances applies:

- it is authorised by law (eg a request from Oranga Tamariki under section 66 Oranga Tamariki Act 1989)
- it is for the same purpose for which the information was obtained
- it is part of reporting concern about the wellbeing of a child/rangatahi
- we reasonably believe it is not desirable or practicable to obtain authorisation (eg where a person is unconscious or cannot be located)
- the disclosure is necessary to prevent or lessen a serious threat to:
 - public health or public safety, or
 - the life or health of the individual concerned or another individual
- disclosure is a condition of a contractual and/or referral arrangement (eg requirement of a court-ordered programme)
- it accords with another legal exception.

If it is safe and appropriate, we will inform a person when we share/disclose their personal information in the above circumstances.

Duty of care

Any staff/kaimahi involved in sharing another's personal information must take all reasonable care with:

- communicating and transmitting the information
- checking disclosure is authorised (eg client has given written consent to release; requestor is an authorised recipient of family violence or child protection information)



- the scope of the information (ie only information necessary to the information-sharing purpose should be shared)
- accuracy ie the information should be correctly identified as fact, opinion etc
- recording (in the appropriate file) when and to whom personal information is given and why.

Concerns or doubts about information-sharing, should be raised with management before proceeding.

Disclosure for child protection reasons

We will disclose personal information to Oranga Tamariki without a person's consent:

- in response to an Oranga Tamariki request under section 66 of the Oranga Tamariki Act 1989, or
- when reporting a concern about the wellbeing of a child or young person under section 15 of the Oranga Tamariki Act

We may disclose personal information with or without a request from a [child welfare and protection agency](#) or [independent practitioner](#) if we have enquired and checked:

- that the intended recipient is legally authorised (ie a child welfare and protection agency)
- the information is for a child protection purpose
- disclosure is in the best interests of any rangatahi in relation to whom the information is being shared and any other child likely to be impacted by the disclosure
- risks to the person/child and their whānau have been considered and can be managed
- whether there are other ways for the proposed recipient to obtain the information.

Disclosure for family violence reasons



We may initiate or respond to a request for personal information that has a family violence purpose.

Unless it is impracticable or unsafe, we will first seek consent to disclosure from the person concerned. If there is no consent, their views about disclosure will be considered.

Disclosure for a family violence purpose will be considered but is not mandatory. The decision to disclose the personal information will therefore be made on a case-by-case basis by:

- checking the proposed recipient of the information is a family violence agency or social services practitioner
- checking the information is likely to assist the recipient to achieve a family violence purpose
- considering the risks to a victim/potential victim of not disclosing the information (eg is there a serious risk to their safety?)
- the likely impact of disclosure on the person to whom the information relates (eg that a rangatahi will disengage from treatment)
- whether there are other ways the proposed recipient could obtain the information.

Record keeping

The kaimahi who discloses or refuses a request to disclose an individual's personal information must record the request and how it was dealt with in that person's/whānau file including:

- when and with whom the information was shared or not shared
- if consent was given and if not, the person's reasons and how their views were considered
- what information, if any, was shared with a copy attached
- the reason for the disclosure
- steps taken to decide or refuse to information share
- the reasons for sharing or refusing to disclose the information.



Compliance

Social Sector Accreditation Standards – Level 2 Client services and programmes 5.0; Governance and management structure and systems 6.0

Oranga Tamariki Act 1989

Family Violence Act 2018

Privacy Act 2020

Health Information Privacy Code

Helpful links

[Safeguarding privacy](#)

[Guide to sharing information under the Family Violence Act 2018](#)

[Guidance for sharing information](#)

[Tutaki Client Recordkeeping](#)

Review

Date: October 2020

Next review: By 30 September 2022