

**Information Sharing
Protocol between
the Commonwealth and
Child Protection Agencies**

January 2009

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A Protocol for the Sharing of Information between the Commonwealth and Child Protection Agencies

Preamble

The protection of Australia's children is a national priority. The Council of Australian Governments, on 2 October 2008, agreed to the development of new Commonwealth-State measures to improve information sharing about children and families at risk.

Sharing information between the Commonwealth and child protection agencies will continue to be in accordance with all legislative requirements.

The aim of the protocol is to contribute to the improved care, safety, welfare, wellbeing and health of Australia's children.

The protocol has been developed by the Community and Disability Services Ministers' Conference information sharing working group, with representation from the Commonwealth and all child protection agencies.

The protocol has been formally approved for implementation by all Community and Disability Services Ministers.

The parties to the protocol are the eight child protection agencies (one in each state or territory) and the relevant Commonwealth agencies as indicated in the appendices. Although not legally binding, the protocol is based on the assumption that all parties operate on a foundation of mutual respect and co-operation, and in accordance with all applicable legislation.

The protocol will:

- a) specify the information that can be requested from the Commonwealth;
- b) set out standard processes for requesting information;
- c) specify what supporting evidence is required to request information; and
- d) outline the timeframes for responding to information requests.

The protocol is to be read in conjunction with the appendices and associated documentation.

Purpose of the protocol

The purpose of the protocol is to outline procedures on how the Commonwealth and child protection agencies can share information in order to provide more responsive care and protection services to children. The procedures will facilitate the sharing of information where it is appropriate and lawful.

Each Commonwealth agency party to the protocol will provide specific operational procedures in separate appendices.

Legislative Basis

Commonwealth legislation allows sharing of information with child protection agencies under certain conditions. The protocol will operate in conjunction with provisions contained within each Commonwealth agency's relevant legislation, and Commonwealth privacy legislation.

Similarly, state and territory child protection legislation permits the sharing of relevant information with the Commonwealth under certain conditions. The protocol will operate in conjunction with provisions contained within each child protection agency's legislation, and state/ territory privacy legislation.

Information pertaining to the legislative requirements of participating Commonwealth agencies will be included in the appendices.

Signatories to the protocol must adhere to the relevant legislation in respective jurisdictions. Interpretation of the legislation rests with the owning jurisdiction.

Policy Basis

The protocol must also be implemented in conjunction with the policies and processes of the respective Commonwealth and child protection agencies.

Definitions

For the purposes of the protocol the following definitions apply:

Child: a person who is under 18 years, except in Victoria where a child is a person under 17 or, if they are subject to a protection order, under 18.

Child protection agency: the agency responsible for the statutory services designed to protect children who are at risk of harm in each state and territory.

Commonwealth Agency: an agency of the public service of the Commonwealth of Australia as defined by the *Australian Public Service Act 1999*.

Community and Disability Services Ministers' Advisory Council: comprises of the Australian Government, state and territory government, and New Zealand Government Executive Directors of departments with direct responsibility for family, community, disability, youth, children, ageing and social welfare policy and services.

Community and Disability Services Ministers' Conference: comprises of the Australian Government, state and territory government, and New Zealand Government Ministers directly responsible for family, community, disability, youth, children, ageing and social welfare.

Commonwealth Contact Officers

The Commonwealth will appoint one or more contact officer/s who will be responsible for processing requests for information from child protection contact officers. If there are multiple contact officers in an agency, there must be one officer who has a coordinating role.

The contact officer, or if there is more than one contact officer the coordinating contact officer, is responsible for:

- a) ensuring compliance with the operating procedures as outlined in the appendices; and
- b) promoting knowledge of, and compliance with, the protocol in their agency.

Child Protection Contact Officers

Each child protection agency will appoint one or more contact officer/s who will be responsible for initiating information requests and disseminating received information. If there are multiple contact officers in a child protection agency, there must be one officer who has a coordinating role.

The contact officer, or if there is more than one contact officer the coordinating contact officer, is responsible for:

- a) ensuring compliance with the operating procedures as outlined in the appendices; and
- b) promoting knowledge of, and compliance with, the protocol in their agency.

Providing and Maintaining Contact Officer Information

Each child protection agency must provide the following to Commonwealth contact officers:

- a) details of the child protection contact officers, and, if applicable, the coordinating officer; and
- b) any changes to contact officer details within 10 working days.

Each Commonwealth agency must provide details of the Commonwealth contact officers, and, if applicable, the coordinating officer in the detailed appendix. Any changes to contact officer details must be provided within 10 working days.

In all cases, where there is only one contact officer the notification of changes to details should be immediate to ensure continuation of service.

Training and Education

Each Commonwealth and child protection agency is responsible for regularly informing and training their respective staff about the operation of the protocol.

Criteria Required to Request Information

In order for an information request to be considered, the child protection contact officer must provide the Commonwealth with all necessary information as outlined in the relevant appendices. The child protection contact officer must ensure that the request contains information that is relevant, accurate and current.

Criteria Required to Disclose Information

Criteria required for the disclosure of information will be addressed by the Commonwealth in each appendix.

Declining to Disclose Information

The Commonwealth contact officer must decline to provide information if the disclosure is not permitted by law and ordinarily will decline to provide information if the disclosure does not meet the required criteria in the appendix.

If the Commonwealth contact officer declines to share information, the requesting child protection contact officer will be provided with a written statement outlining the reason/s.

Timeframes for Responding to Information Requests

The response times for Commonwealth agencies are detailed in the appendices to the protocol, as agency operational requirements may influence these times.

Confidentiality of Information

The parties to the protocol will not permit access, or release information, to a third party unless lawfully required or enabled to do so by statute. If required to release information, for example under a freedom of information request, the originating party must be consulted prior to the release. It would be advisable to seek legal advice under these circumstances.

Any information received by a party to the protocol should be dealt with in accordance with:

- the privacy provisions and relevant legislation of the Commonwealth or child protection agency; and
- any legislation specified in the appendices to the protocol.

Dispute Resolution

Any disputes should be resolved by contact officers where possible. If the dispute cannot be resolved, the child protection contact officer may request a reconsideration of the decision by a senior officer in the relevant Commonwealth agency. Contact details for the Commonwealth senior officers will be outlined in each appendix.

Protocol Variation

Any variation to the protocol, including to the appendices, will be made in consultation and with agreement from all parties to the protocol.

Any initiator of change to the protocol or appendices will be responsible for advising all parties of changes made.

Protocol Withdrawal

A party to the protocol may withdraw after providing three months notice in writing to all other parties. If a party withdraws from the protocol, the protocol will continue to apply to all remaining parties.

Governance

The protocol will be reviewed after 12 months of operation. The review will involve representatives of the Commonwealth, states and territories and will report to the Community and Disability Services Ministers' Conference.

The Community Services and Disability Ministers' Advisory Council will be responsible for the ongoing management of the protocol, including an operational review every two years.

Record Management

The Commonwealth and child protection agencies must comply with record management legislation, policies and practices.

Protocol Operation

The protocol will take effect from the date it is agreed by all parties, or on 01/01/09, whichever is later in time.

The protocol will remain in operation unless terminated by the Community Services and Disability Ministers' Advisory Council.



APPENDIX ONE: Centrelink

Information Sharing Protocol between the Commonwealth and Child Protection Agencies

January 2009

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1. Formulation of the Appendix

- 1.1 This protocol has been formulated following discussions between Centrelink and the Child Protection Agencies.
- 1.2 Child Protection Agencies should approach the Privacy and Information Access Section, Legal Services and Procurement Branch in Centrelink if any issues arise in relation to the processing of public interest requests and a co-operative approach will be taken to resolve matters.

2. Centrelink's privacy framework and other legislative obligations

2.1 Privacy and confidentiality:

- 2.2 To carry out its responsibilities on behalf of the various Government Departments and agencies Centrelink maintains records of personal information about large numbers of people. This information is provided by these people on the understanding that Centrelink will protect that information from unauthorised access, use or disclosure.
- 2.3 Centrelink has a strong privacy culture and operates within the bounds of the *Privacy Act 1988* and confidentiality provisions contained in various legislation it administers.
- 2.4 When commencing work with Centrelink, employees must sign a 'Declaration of Confidentiality'. Privacy awareness training sessions are conducted on a regular basis and staff are made aware of the severe penalties imposed on those who do not follow the rules relating to privacy and confidentiality.
- 2.5 All access to Centrelink's customer database is logged. This acts as a deterrent against unauthorised access, use and disclosure of protected information. It also assists in identifying any suspicious access to protected/personal information held in the database.
- 2.6 Centrelink has a clearly developed regime for the authorised disclosure of personal information about customers under confidentiality provisions contained in social security law, family assistance law and other legislation administered by Centrelink.
- 2.7 Sections 208 of the *Social Security (Administration) Act 1999* (SSAA) and 168 of the *A New Tax System (Family Assistance) (Administration) Act 1999* (FAAA) establish the rules for the disclosure of protected information other than that which is required as a part of an employees duties or by overruling legislation, for example, section 67N of the *Family Law Act 1975* (Commonwealth Information Orders).
- 2.8 The legislation requires the appropriate Ministers to establish guidelines for the exercise of the Secretary's powers and to give certificates for the release of protected information. It provides the Ministers with the power to vary or revoke these guidelines and requires the Ministers to place determinations (guidelines) before Parliament.
- 2.9 In general terms, these guidelines allow disclosure where it is necessary to prevent or lessen a threat to the life, health or welfare of a person.
- 2.10 The *Privacy Act 1988*, specifically, Information Privacy Principle (IPP) 11 relates to the disclosure of personal information. Exception (d) permits disclosure to a third party where the disclosure is authorised by law. Section 208 of the SSAA and 168 of the FAAA provide this lawful authority.

3 Disclosure of customer information under the 'Threat to Life, Health or Welfare' provision

- 3.1 In cases where there is a threat to the life, health or welfare of a person, an Authorised Centrelink Contact Officer may disclose relevant information to the Child Protection Agency. A child or young person "at risk" comes under this provision and may include the fact that the young person is homeless.
- 3.2 This criterion states that relevant information about a person held by Centrelink may be disclosed, "if the disclosure is necessary to prevent, or lessen, a threat to the life, health or welfare of a person".

4 How to request information from Centrelink

- 4.1 Requests must be specific and should provide as much information as possible to assist in identifying the individual. Unless an absolute match can be made, information will not be released by Centrelink.
- 4.2 An approved pro-forma for these requests has been established. All requests from the State and Territory Child Protection Agencies must be made using this pro-forma.
Refer to Attachment B.
- 4.3 All requests and responses can be sent electronically via encrypted secure e-mail or by fax.
- 4.4 Request sent electronically must only be e-mailed from the child protection nominated positional mailbox.
- 4.5 These nominated positional mailboxes will be incorporated into an encrypted secure e-mail facility, all other e-mail addresses will not have the same level of security.
- 4.6 Wherever possible, requests should include:
- full name of the person and child/ren being sought, including any aliases;
 - date of birth;
 - last known address;
 - the reason why the agency has reasonable grounds for believing that the disclosure is necessary to prevent or lessen a threat to the life, health or welfare of a child or children;
 - the requesting officer's name and telephone number (allows details to be checked or clarified); and
 - the information being requested.
- 4.7 Requests involving an unborn child must include why the Child Protection Agency believes the pregnant person's circumstances might lead to a threat to the life or health of the unborn child.

5 What Centrelink generally can and cannot assist with

5.1 Centrelink may disclose:

- current or last recorded residential and postal address;
- names and dates of birth as per Centrelink records
- names and dates of birth of other children who are at risk in the care of person being

- other details where relevance is justified on the basis that it is necessary to prevent or lessen a threat to life, health or welfare to a person.

5.2 Centrelink will not generally be able to assist by:

- disclosing the Centrelink office the customer attends
- tagging the customer record, however there is no limit on the number of location checks requested for a customer.

5.3 Centrelink can not assist when:

- requested to cancel a customer's payments in order to force the customer to present themselves in an office
- address details are required for the parent/s or relatives to serve court papers or in order to notify them of child protection court proceedings and there is no threat to the life, health or welfare of the child or children.

6 Response timeframes from Centrelink

6.1 Response timeframes will be broken into the following three categories:

- **Critical** – Where there is an **immediate** threat, contact can be made by phone to the Centrelink contact officer by the child protection contact officer to request an immediate response.
- **High** – Response will be provided by Centrelink within 5 working hours
- **Priority** – Response will be provided by Centrelink within 5 working days

7 General step by step processes for Public Interest requests

7.1 All responses are provided via a Public Interest Certificate, which is approved by the Authorised Centrelink Officer.

- The child protection case officer lodges a request via their child protection contact officer.
- The child protection contact officer e-mails the request from their positional mailbox to the Centrelink contact officer's positional mailbox within the Privacy and Information Access Section.
- The request is vetted by the Centrelink contact officer to determine if it meets Public Interest provisions and then the request details are entered into the Public Interest database.
- The Centrelink contact officer searches Centrelink's electronic customer records. If a customer record is found, the relevant information is included in the response.
- If no customer record is found or there is no current information, Centrelink will advise the relevant child protection contact officer of this.
- Where the disclosure is not approved Centrelink will respond to the relevant child protection contact officer advising the reasons why the disclosure is not approved.

- Once the Public Interest Certificates are approved by the Authorised Officer, the response is e-mailed back to the relevant child protection contact officer's positional mailbox who will then provide the response to the requesting officer.
- 7.2 State and Territory Child Protection Agencies can include Centrelink in their Child Protection Alerts System by sending a request, using the above process, for the location details of a family prior to or at the time of sending out an alert notice.
- 7.3 Should Centrelink not have a current address recorded at the time the alert notice was issued, state and territory child protection agencies can submit further requests as they deem necessary.
- 7.4 Where there are unexpected technical complications with e-mailing the request or response, the Child Protection Agencies and Centrelink can utilise the option of faxing.

8 Normal operating hours and after business hours support by Centrelink

- 8.1 Centrelink will be available for normal operating hours between 8:30am and 5:00pm.
- 8.2 Centrelink has also made available, via the Centrelink Geelong Call Centre, access to after business hours support, subject to system availability.
- 8.3 This support is available only in extreme circumstances where urgent address details are being sought by the Child Protection Agency and the request cannot wait until the next working day.
- 8.4 In order to contact the Centrelink Geelong Call Centre a child protection case officer must:
- i) e-mail the Centrelink Geelong Call Centre's positional mailbox, a request on the relevant proforma, and a copy of their child protection case officer ID.
 - ii) make contact with the Centrelink Geelong Call Centre and advise that they require urgent location information for a child where there is an immediate threat to their life, health or welfare and that they have e-mailed through a request that confirms this.
- 8.5 The contact details for the Geelong Call Centre as follows:
- Direct Phone:** (03) 5228 8889 or mob 0408 349 631
- Direct Fax:** (03) 5228 8179
- Nominated Positional Mailbox:**
geelong.call.child.protection@centrelink.gov.au
- 8.6 Where there are unexpected technical complications with e-mailing the request or response, the Child Protection Agencies and Centrelink can utilise the option of faxing.

9 Senior Centrelink Officer details for reconsideration of decision and dispute resolution

- 9.1 Where the child protection contact officer is unsatisfied with the reasons for declining a disclosure or there is a dispute which cannot be resolved, the Centrelink contact officer must refer these to the following Senior Centrelink officer:

Business Manager
Privacy and Information Access Section
Legal Services and Procurement Branch

Centrelink
Direct Phone: (02) 61552385
Direct Fax: (02) 61552305

10 Centrelink Contact Officer details

- 10.1 To ensure consistent decision-making and lawful disclosures child protection contact officers must use the following Centrelink contact details for all enquiries:

Team Leader
 Information Access Team
 Privacy and Information Access Section
 Legal Services and Procurement Branch
 Centrelink

Direct Phone: (02) 61552311
Direct Fax: (02) 61552305

Nominated Positional Mailbox: centrelink.child.protection@centrelink.gov.au

11 Child Protection Contact Officer details

- 11.1 The state/territory child protection agencies must provide child protection contact officer details to Centrelink.
- 11.2 The state/territory child protection agencies must provide their nominated positional mailbox details to Centrelink.

12 Use of the In-Touch Program

- 12.1 Where the Child Protection Agency seeks the whereabouts of the parent/s or relatives of a child and there is no threat to the life, health or welfare of the child, the 'In-Touch' Program is a more appropriate option to use. *Refer to Attachment A.*
- 12.2 child protection case officers can send all In-Touch requests directly to the Centrelink contact officer.

13 Protecting your password

- 13.1 Once a secure password has been chosen for the use of encrypted secure e-mail, Child Protection Agencies are responsible for ensuring it is protected from any unauthorised access, use or disclosure.
- 13.2 The child protection contact officer should take the following precautions:
- (a) Don't write down a password;
 - (b) Don't tell anybody what a password is;
 - (c) Don't use a password when people can see what is being typed.
- 13.3 Child protection contact officers should ensure passwords are changed every month.

14 Informal review

- 14.1 An informal review of the operating procedures will be undertaken collaboratively with all parties to the protocol after six months of operation, via teleconference. At the same time, the Centrelink contact officer will conduct a review of their internal operation procedures.
- 14.2 The outcome of the informal review will be provided to the child protection contact officers in August 2009.
- 14.3 The outcome will provide for the reporting of the following data for the period 1/1/09 and 30/6/09 for each relevant state and territory:
- total number of request received;
 - total number of requests processed;
 - total number of request rejected; and
 - total number of requests processed outside agreed processing time.
- 14.4 The informal review will provide the opportunity for all parties to provide feedback and implement any improvements required.
- ❖ **(Urgent timeframe can only be reported as ‘ was request processed on the day it was received’)**



In Touch Program

<p>Purpose of this form</p>	<p>The aim of the In-Touch Program is to help put a person in touch with someone with whom they have lost contact.</p> <p>It is NOT to be used for business dealings (eg debt recovery) or legal matters (particularly matters before the Family Law Court), unless the dealings are of some interest or benefit to the person being sought. Centrelink will not accept mail, photographs or personal articles for on-forwarding.</p> <p>Once you have provided the following information, a search of our computer data base will be made based on the information you have provided. If the person you are seeking to contact can be identified as a customer, the contact details which you provide below will be passed on to that person. It is up to the person whom you are trying to contact to use these details to contact you.</p> <p>Centrelink cannot advise you whether it was successful in identifying the person you are seeking, nor can we give you any information about the person. Whatever the outcome of the search, the details you have provided below will NOT be kept on any Centrelink customer record once our search action is completed.</p>
<p>About the person you are seeking to contact</p>	<p>Family Name</p> <p>Given Name/s (including aliases)</p> <p>Date of Birth</p> <p>Last Known Address</p> <p>Other information that may help us to identify the person</p>
<p>Your details that you want released to the person</p>	<p>Full Name</p> <p>Department Name</p> <p>Contact Telephone Number</p>
<p>Your reason for seeking to contact the person</p>	<p>(For administrative purposes only)</p>

Information Request Form

STATE/ TERRITORY CHILD PROTECTION AGENCY LETTERHEAD

Date:/...../.....

Privacy and Information Access Section
 Legal Services and Procurement Branch
 Centrelink

Fax number: (02) 61552305**Positional mail box:**

Response Priority	<input type="checkbox"/> CRITICAL (Must notify Centrelink Contact Officer of this request by phone after faxing)	<input type="checkbox"/> HIGH (5 hours)	<input type="checkbox"/> PRIORITY (5 working days)
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The ...**AGENCY NAME**.... requests that Centrelink discloses personal information under public interest provisions in relation to:

Surname:	Given Name(s):
Alias(es):	Date of Birth:
Last known address:	

Child/ren Details:

Surname(s):	Given Name(s):
Alias(es):	Date of Birth(s):
Last known address:	
<input type="checkbox"/> Unborn Child	

Surname(s):	Given Name(s):
Alias(es):	Date of Birth(s):
Last known address:	
<input type="checkbox"/> Unborn Child	

Surname(s):	Given Name(s):
Alias(es):	Date of Birth(s):
Last known address:	
<input type="checkbox"/> Unborn Child	

.....AGENCY NAME...has reasonable grounds for believing that the disclosure is necessary to prevent or lessen a threat to the life, health or welfare of a child/ren (which may include an unborn child).

Reasons:

(list why information is being requested from Centrelink records)

Information Requested:

(list information being requested from Centrelink records)

Name of requesting child protection contact officer:

Signature:

Direct contact number:

Direct fax number :

Positional mail box:

