

### Attachment 3:

### Information Sharing Protocol

#### Safety is Everyone's Right

The NT Family Safety Framework (the Framework) is dependent upon agreement to share information about women, children and young people who are at high risk of serious injury or death due to their experience of violence and information about perpetrators of violence. The following protocol sets out the parameters for the sharing of this information for the purposes of a Family Safety Meeting (FSM).

#### Rationale

The need for information sharing arises to prevent or lessen a serious and imminent threat to the life or health of victims of domestic violence and their families. The Framework provides a mechanism where relevant government and non-government agencies exchange information that will support a more coordinated, rapid response to the risk and safety of D&FV victims.

#### Enabling decisions

The Chief Executive Officer of each respective NT Government agency and the equivalent position within non-government agencies will approve the information sharing arrangements.

All information sharing must be in line with information privacy principles.

In no way should the Framework and the associated FSMs be interpreted as providing a blanket approval for agencies to share information in every case involving family or domestic violence. The sharing of information will only occur when it is in relation to a case of high risk that is being referred to the FSM.

#### Agencies to which the Information Sharing Protocol applies

##### Government Agencies in each FSF region

- Department of Children and Families (Child Protection)
- Department of the Attorney-General and Justice
- Department of Correctional Services
- Department of Education
- Department of Housing
- Department of Health (Emergency Department)
- Commonwealth Department of Human Services – Centrelink.

##### Non-Government Agencies

###### Alice Springs

- Alice Springs Women's Shelter
- NPY Women's Council
- Central Australian Aboriginal Congress
- Tangentyere Council

###### Darwin

- DAWN House Women's Shelter
- DAIWS
- Larrakia Nation Aboriginal Corporation
- YWCA DFV Service

###### Katherine

- Wurli Wurlinjang Health Services
- Binjari Health Clinic
- Katherine Women's Crisis Centre

###### Tennant Creek

- Anyinginyi Health Aboriginal Corporation
- Barkly Region Alcohol Drug Abuse Advisory Group
- Tennant Creek Women's Refuge

Other agencies also participate in the FSMs where this is necessary to enhance the safety of the family. These agencies are also covered by this protocol provided they sign the confidentiality declaration at the commencement of the meeting.

## Introduction

- 1.1 The purpose of this Protocol is to explain the procedure whereby the participants in the Framework and the FSMs provide information to other agencies for the purpose of preventing or lessening a serious and imminent threat to the life or health of victims of D&FV and their families. It extends to the provision of information relating to women, children and young people who are at high risk of serious injury or death due to their experience of violence and those who perpetrate that violence.
- 1.2 The primary legislation is the Information Act (NT) which is applicable to Northern Territory Government agencies and the Privacy Act 1988 (Cth) which is applicable to Commonwealth Government agencies and non-government organisations. A myriad of existing law seeks to protect all persons who are vulnerable by reason of their age; mental or other physical disability; illness/frailty; inability to take care of themselves or protect themselves against serious harm or exploitation. This legislation and applicable common law is consistent with existing legal safeguards on personal information.
- 1.3 The manner in which information can be exchanged takes into account the following:
  - *Domestic and Family Violence Act* (NT)
  - *Care and Protection of Children Act* (NT)
  - *Information Act* (NT)
  - *Australian Human Rights Commission Act* (Cth)
  - *Privacy Act 1988* (Cth)
  - Applicable common law.

## Information

- 2.1 Agencies providing services to women, men, children and young people will be concerned about the need to balance their duties to protect them from harm and their general duty of care towards other members of the household. Where there are concerns that a woman, child or young person may be at risk of significant harm, the needs of the woman, child or young person must come first. In all circumstances the overriding objective must be the safety of the woman, child or young person. i.e. “keeping the family together” should not be prioritised over the safety of the women, child or young person.
- 2.2 In addition there is a need for all agencies to hold information securely. Any agency receiving any confidential information or personal data from any other agency must keep such information confidential and take steps to prevent unauthorised access or disclosure of the same, and in this regard each agency must ensure the security of such information it receives by ensuring that care is taken to avoid any breach (intentional or otherwise) or disclosure to third parties outside the bounds of this protocol. Appropriate technical and organisational measures shall be taken against unauthorised or lawful processing of personal data and against accidental loss or destruction of or damage to personal data.

## Process

- 3.1 This section provides guidance to participants regarding the method and responsibility for sharing information.
- 3.2 The FSM is a formal meeting to facilitate the response to high risk cases of D&FV. The purpose is for agencies to share information with a view to identifying people at a high level of risk and thereafter jointly constructing an action plan to provide professional support to all those at risk. Such meetings will be held on a fortnightly basis (or sooner if a case requires urgent attention). The referring worker will identify who is at risk on the form that is circulated to all invitees to the FSM.
- 3.3 Representatives of other agencies may also be invited to attend the meeting depending on whether those agencies have (or may have) any specific involvement with the family. Referral pathways can also be established to allow for referral from non-participating agencies into a FSM.
- 3.4 Northern Territory Police, Domestic Violence Unit in each FSF region, will be responsible for convening and chairing the meetings and recording the minutes and actions. The minutes will be copied to all those present at the meeting as soon as possible after the meeting. All agencies should ensure that they have procedures for the receipt and secure storage of the minutes and that this process complies with confidentiality requirements.
- 3.5 Agencies who undertake a risk assessment and identify that the woman, child, or young person is at imminent high risk will complete a Common RAF and then email or fax this along with the completed referral form to the regional Officer in Charge of the NT Police Domestic Violence Unit who chairs the FSMs.
- 3.6 The FSM Chair will circulate an agenda to participating agencies by secure email or fax listing the imminent high risk cases that have been referred to the FSM along with the completed referral form for those cases. This must take place at least 3 days prior to the next FSM meeting.
- 3.7 Upon receiving the agenda and new referrals, participating agencies must then look up their information systems for any information relevant to risk and safety for the referred individual or family. This information will be recorded on the information request form to be brought to the next FSM. Only information relevant to perceived risk and safety needs to be shared at the FSM.
- 3.8 The outcome of a FSM will be the development and management of an action plan for each high risk case. Agencies will agree on actions to improve safety following a joint assessment of the victim's situation. Agencies will jointly monitor and review the implementation of the action plan at subsequently FSMs.
- 3.9 It is good practice for the agency to inform the victim that their information will be shared with the other agencies at a FSM and to obtain consent where possible. However, this may not always be possible or safe. It is also good practice for the agency to advise the victim of the outcomes of the FSM.
- 3.10 Child protection concerns override any issues of consent. The welfare of the child is paramount and agencies must refer to mandatory notification procedures.

## Information sharing about children and young people

- 4.1 Agencies should be aware that there is a new Information Sharing Framework in relation to information sharing about child safety and well-being in the Northern Territory (*Part 5.1A of the Care and Protection of Children Act (NT)*).
- 4.2 The framework entitles certain prescribed 'information sharing authorities' (including foster carers, police, teachers, principals, child care workers, health professionals, NGOs who provide services to children, public servants and lawyers) to share information with each other if they have a reasonable belief that the information would help:
  - *make a decision, assessment or a plan;*
  - *initiate or conduct an investigation; or*
  - *provide a service to perform a function;*
  - *that relates to the safety and well-being of a child.*

## Audit, retention and deletion of information

- 5.1 Audit of and retention of information: Participating agencies will undertake to ensure that they will collect, process, store, and disclose all information in accord with information privacy principles, and the relevant legislation. Agencies will ensure that all information is accurate, relevant and fit for the purpose for which it is intended. NT Police will be responsible for recording minutes and actions and agencies will retain copies of these according to their agency information storage and retention policies. Each agency will be responsible for the safeguarding of information in line with information privacy principles. When information is no longer regarded as being relevant, the agency will be responsible for its secure disposal.
- 5.2 Information should only be deleted if:
  - *the information has been shown to be inaccurate, and the system containing the information does not allow amendment or annotation of the record to provide an audit trail of changes; or*
  - *it is no longer considered that the information is necessary for police or the agency's purposes and the information is a copy, extract or summary of an original record held elsewhere.*