



New Zealand Council Of
Christian Social Services

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**The New Zealand Council of Christian Social Services Submission on
Sharing information safely: Guidance on sharing personal information under
The Family and Whānau Violence Legislation Bill**

1. Introduction

New Zealand Council of Christian Social Services (NZCCSS) works for a just and compassionate society in Aotearoa New Zealand. We see this as a continuation of the mission of Jesus Christ. In seeking to fulfil this mission, we are committed to: (a) giving priority to the poor and vulnerable members of our; society and (b) Te Tiriti O Waitangi.

(NZCCSS) has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support New Zealand and the Methodist and Salvation Army Churches.

Nationally the range and scope of our six members is extensive and comprises 213 separate provider sites, delivering a range of 37 types of services via 1024 specific programmes, located in 55 towns and cities throughout New Zealand. Further details on NZCCSS can be found on our website www.nzccss.org.nz

The preparation of this submission draws on the extensive experience of our member agencies and follows consultation with the NZCCSS Child and Family Policy Group, which comprises chief executive officers and practitioners, who meet regularly to inform NZCCSS of their current experience of working with children, families and whānau.

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2. Summary

- I. The guidance material sets out clearly different legislative rules, including new rules pending in the Child and Family Whānau Family Violence Legislation Bill.
- II. NZCCSS is concerned the guidance material excludes a broad group of NGO services working effectively with individuals, families and whānau living with violence but who are not contracted by government to undertake this work.

- III. The range of NGO services that support individuals, families and whānau living with family violence needs to be seen as part of a joined-up system of supports. In many situations where Family Violence is occurring, other social issues will also be addressed, and a range of interventions will be required.
- IV. NZCCSS acknowledges the guidance material captures the need for careful consideration of the balance between the safety of the victim, and their human rights, when considering whether to share personal information without consent. We recommend that guidance emphasises the expectation that wherever possible, victims will be engaged to seek consent for agencies to share information.
- V. NZCCSS supports the development of information sharing principles to support a consistent, coordinated and transparent approach to information sharing. This must be consistent across all settings within the social services sector, to support service delivery to meet the holistic needs of victims of family violence. Often service providers will be offering a range of supports and it is important that there are consistent requirements for consent.

3. General comments

NZCCSS believes personal information is an integral part of a person's human rights, dignity and mana and should be treated with great care and respect. Data integration, sovereignty and social licence are emerging areas of concern, and we note there is a review of Privacy Legislation underway. All of these need to be factored into the development of any policy or guidance. Increasingly information technology is changing the way we view personal information sometimes working outside of the parameters of the Privacy Act as occurred under the Individual Client Level Data project in 2017. It is therefore timely government takes the lead in developing information sharing guidance that is compliant with the Privacy Act and other related legislation. NZCCSS views the development of guidance material on legislative rules and new rules pending under the Family and Whānau Violence Legislation Bill, as a useful resource to members who fall under the scope of the guidance.

4. Specific comments on the guidance material

Overall, the scope of the material (Parts to 1-5) captures well key areas to be considered when deciding what, when and how to share personal information. *[Part I: Purpose of document, Part II: Sharing information, Part III: Storage information safely, Part IV: Provide access to personal information, Part V: Collect information appropriately]*. The interface between different legislative rules and new rules is also clearly set out. Inclusion of questions as headers helps the readability of this information; this also helps guide the application of legislative rules to different situations. The information is also clearly written in plain English which adds to its readability.

5. NZCCSS areas of concern

5.1 Scope of the guidelines

A key concern raised by NZCCSS members is the restricted scope of the guidelines for sharing personal information to *“Government funded (wholly or partly) non-governmental organisations (NGOs) that deliver family violence services”*.

The definition of agencies and individuals (new section 124U) and its focus on the delivery of contracted and specialist ‘family violence services’, implies these services are the first port of call to someone wanting help.

New section 124U of the Act defines the family violence agencies and individuals that can share personal information under new part 6B of the Act.

Those agencies and individuals consist of four broad categories:

(a) Specified government agencies

(b) Government-funded (wholly or partly) non-governmental organisations (NGOs) that deliver family violence services

(c) School boards and early childhood services

(d) Social services practitioners.

Our members have consistently advised the initial engagement with NGOs by individuals, families and whānau living with violence is for a range of reasons i.e food bank, budget advice, parenting support. It is only once a feeling of trust and relationships with services established that family violence issues are raised by victims (and sometimes perpetrators) and help is sought.

“NGOs that provide family violence services without receiving any government funding. These agencies will need to use the privacy Act provisions for any information sharing that they undertake”. Page 11.

NZCCSS believes a sector wide approach rather than a sole focus on government contracted services would more accurately reflect the realities of service supporting people living with family violence. To exclude NGO services (not contracted by government) which are supporting individuals, families and whānau with family violence disregards the important role played by providers in this space, and the need for a joined-up system that can draw on already existing relationships and services alongside specialist government funded services to provide effective wrap around support.

5.2 Consent

NZCCSS members recognise the role of information sharing to protect people from violence and to promote the provision of a holistic approach across services. As set out in NZCCSS' earlier comments on the Family and Whānau Violence Legislation Bill, while, we support the intent of part 6 B [information sharing, use and disclosure], we remain concerned about sharing sensitive information across family violence agencies and social service practitioners without the consent of the person involved.

The purpose of sharing information to enable integration of services and meet the holistic needs of people – especially where safety planning is in place, is not well described in the vignettes. For example, if a client of family violence counselling services is receiving additional support from another social service, it may be useful for the counsellor to discuss with the client, the possible benefits of sharing aspects of the client's situation to support an enhanced /joined up safety plan; the choice is the clients. If the options are not provided to them, they are unable to make an informed decision. However, the guidance material does capture the need for careful consideration of the balance between the safety of the victim and sharing personal information before any disclosure of information occurs (page 18). We also note the guidance material states "*it is not compulsory to share*" but rather there is "*a duty to consider sharing*".

When information is shared without consent, NZCCSS requests that a copy of all personal information shared across services should be made available to the victim to ensure the information has been accurately interpreted and to reinforce the transparency of the process and build in trust. This information should be included in the guidance as a requirement.

5.3 Information sharing principles across the sector

NZCCSS supports the development of information sharing principles to support a consistent, coordinated and transparent approach to information sharing. This must be consistent across all settings within the social services sector, to support service delivery to meet the holistic needs of victims of family violence. Often service providers will be offering a range of supports and it is important that there are consistent requirements for consent.