SUMMARY OF DOMESTIC AND FAMILY VIOLENCE INFORMATION SHARING GUIDELINES

This document provides a summary of the domestic and family violence Information Sharing Guidelines.

The full Guidelines are available on the Territory Families website, along with other useful tools and resources.

Preventing domestic and family violence is everyone's responsibility

 Domestic and family violence (DFV) is prevalent in the Northern Territory (NT) and it causes serious harm. Women and children are most at risk.

Mandatory Reporting and other information sharing laws still apply

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- Information sharing laws in Chapter 5A of the Domestic and Family Violence Act 2007 do not replace or change existing information sharing and mandatory reporting laws.
- Under these laws, there are certain situations where information may be shared, reported or disclosed even where the consent of the person has not been given. These existing obligations still apply.

- In the NT every adult is required by law to report DFV to police as soon as practical, if they believe that serious physical harm has or is likely to occur OR if someone's life or safety is under serious or imminent threat.
- Information may be disclosed under Information Privacy
 Principle 2.1 in the NT Information Act 2002 if the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or of harm to, or exploitation of a child.
- Authorised Information Sharers under Part 5.1A of the Care and Protection of Children Act 2007 may share information that relates to the safety or wellbeing of a child for purposes that are specified under this Act.

Domestic and family violence information sharing laws apply to designated 'Information Sharing Entities' (ISEs)

- Under Chapter 5A of the Domestic and Family Violence Act 2007, certain government agencies (and non-government schools) are required to share relevant information about DFV.
- This will help organisations assess and respond to serious threats to life, health, safety and welfare because of DFV.
- Non-government organisations who provide a DFV related service can apply to become an ISE.
- A full list of ISEs is available on the Territory Families website.



Can information be shared without consent under information sharing laws?

- An ISE should obtain the consent of a person who fears or experiences DFV before sharing information about the person, unless it is not safe, possible or practical to do so.
- However, the safety of a person who fears or is experiencing DFV is paramount in determining whether such information can be shared.
- This means that information may be shared without consent under Chapter 5A in certain circumstances.

When can information be shared without consent?

- An ISE may share information with another ISE, without the consent of the person, if the ISE that holds the information believes on reasonable grounds that:
 - a person fears or is experiencing DFV; and
 - the information may help the receiving ISE to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV.
- An ISE may share information with another ISE on its own initiative, or following a request from another ISE for information.
- An ISE must give the information to an ISE that requests it in order to help the requesting ISE to assess, lessen or prevent a serious threat because of DFV, even if the person has not provided consent.

When is it prohibited to share information?

- Information must not be shared if it could:
 - endanger a person's life or physical safety;
 - prejudice a court case, police investigation or coronial inquiry;
 - contravene legal professional or client legal privilege; or
 - enable the identification of a police source or breach a law.

What do ISEs need to do?

- ISEs must comply with the Guidelines.
- ISEs need to ensure their policies, procedures, practice guidance and tools are reviewed and updated to align with their obligations.
- ISEs must ensure that their policies, procedures, practice guidance and tools align with the Northern Territory Government DFV Risk Assessment and Management Framework to help them identify, assess and respond to DFV.
- ISEs should follow the record keeping obligations outlined on page 19 of the Guidelines.
- If an ISE refuses to share information with another ISE who has made a valid information request, the ISE must provide the refusal and the grounds for the refusal in writing.
- ISEs should respond to reasonable requests for information from the Information Commissioner in order to inform the review of the Information Sharing Scheme.

What if you are not an ISE?

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- If you are not an ISE you may still be able to share information about a person, without their consent, if it is necessary or required under mandatory reporting laws, information privacy principles, or Part 5.1A of the Care and Protection of Children Act 2007.
- All organisations (even if they are not an ISE) should have policies and procedures in place so their employees know how to identify and respond to DFV and can meet their mandatory reporting and information sharing obligations.
- Non-government organisations who provide a DFV related service can apply to become an ISE.

Where can I get more information?

Information and resources are available at https://territoryfamilies.nt.gov.au/dfv/informationsharing

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How to respond to a request to share information about Domestic and Family Violence (DFV)

These laws do not replace mandatory reporting, or information sharing under Information Privacy Principles or the Care and Protection of Children Act.

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Your obligations to report domestic and family violence under these laws still apply.

See 'Can I share information?' poster

If you are an **Information Sharing Entity** (ISE) under the *Domestic and Family Violence Act (NT)*, and you have received a request to share information about a person's fear or experience of DFV, **follow these steps**.

Can you gain consent? You should obtain the person's You **CAN share** Yes consent before sharing information unless it is not safe, Where it is safe, possible and practical, possible or practical to do so. let the person about whom the information has been shared know what has happened. Make appropriate records of the information sharing decision in line with your organisation's **Do your duties involve** assessing, or policies. You should still assist the Pass the person through your organisation's taking action to lessen or prevent, request on to No usual processes. Ensure that you have the authorised threats to life, health, safety or also fulfilled your obligations under person in your mandatory reporting laws. welfare because of DFV **OR** has your organisation. organisation authorised you to share? Is the person requesting the information authorised? Are they an employee of an ISE and their duties involve Use the RAMF and CRAT assessing, or taking action to lessen or prevent, threats to life, to make a risk assessment health, safety or welfare because of domestic violence **OR** have they been authorised to share information? Yes Will the information help to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of domestic or family violence? Yes No No You MUST share Are you allowed to share? You must not share under Chapter 5A You **CANNOT** share Where it is safe, possible and practical, if you believe on reasonable grounds let the person about whom the giving the information could: information has been shared know Where it is safe, possible and endanger a person's life or physical practical, let the person know what what has happened. Make appropriate records of the information sharing has happened. Make appropriate Yes decision and reasons in line with the records of the information sharing - prejudice a police investigation, information sharing guidelines. If the decision and reasons in line with the coronial inquest or inquiry or No request is refused, you must provide information sharing guidelines. If the proceeding in a court or tribunal the refusal and the reasons for the request is refused, you must provide - contravene lawyer-client privilege the refusal and the reasons for the refusal in writing. You should still assist - reveal a confidential police source the person through your organisation's refusal in writing. If relevant, you usual processes. Ensure that you have should still assist the person through - contravene the Criminal Records Spent also fulfilled your obligations under your organisation's usual processes. Convictions Act or any other Act. mandatory reporting laws. Ensure that you have also fulfilled your If you are not sure you should get obligations under mandatory reporting further advice.



How to make a request for information about Domestic and Family Violence (DFV)

These laws do not replace mandatory reporting, or information sharing under Information Privacy Principles or the Care and Protection of Children Act.

Your obligations to report domestic and family violence under these laws still apply.

See 'Can I share information?' poster

If you are an **Information Sharing Entity** (ISE) under the *Domestic and Family Violence Act (NT)*, and you want to request information from another ISE about a person's fear or experience of DFV, **follow these steps**.

No

Are you authorised to request the information? Do your duties involve assessing, or taking action to lessen or prevent, threats to life, health, safety or welfare because of DFV OR has your organisation authorised you to request the information?

Ask the authorised person in your organisation to request the information.

Yes

Are you making the request to an authorised person? Are they an employee of an ISE and their duties involved assessing, or taking action to lessen or prevent, threats to life, health, safety or welfare because of DFV OR have they been authorised to share information?

You should make the request to the authorised person in that organisation.

Yes

They MUST share if they reasonably believe the information will help to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV.

They **should not share** if it will:

- endanger a person's life or physical safety
- prejudice a police investigation, coronial inquest or inquiry or proceeding in a court or tribunal
- contravene lawyer-client privilege
- reveal a confidential police source
- contravene the *Criminal Records Spent Convictions Act* or any other Act.

If they do not reasonably believe the information will help to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV, they DO NOT HAVE TO SHARE.

Make appropriate records of the information sharing request and outcome in line with the information sharing guidelines. If your request is refused, the ISE must provide the refusal and the reasons for the refusal in writing. You should still ensure that you have also fulfilled your obligations under mandatory reporting laws.



