

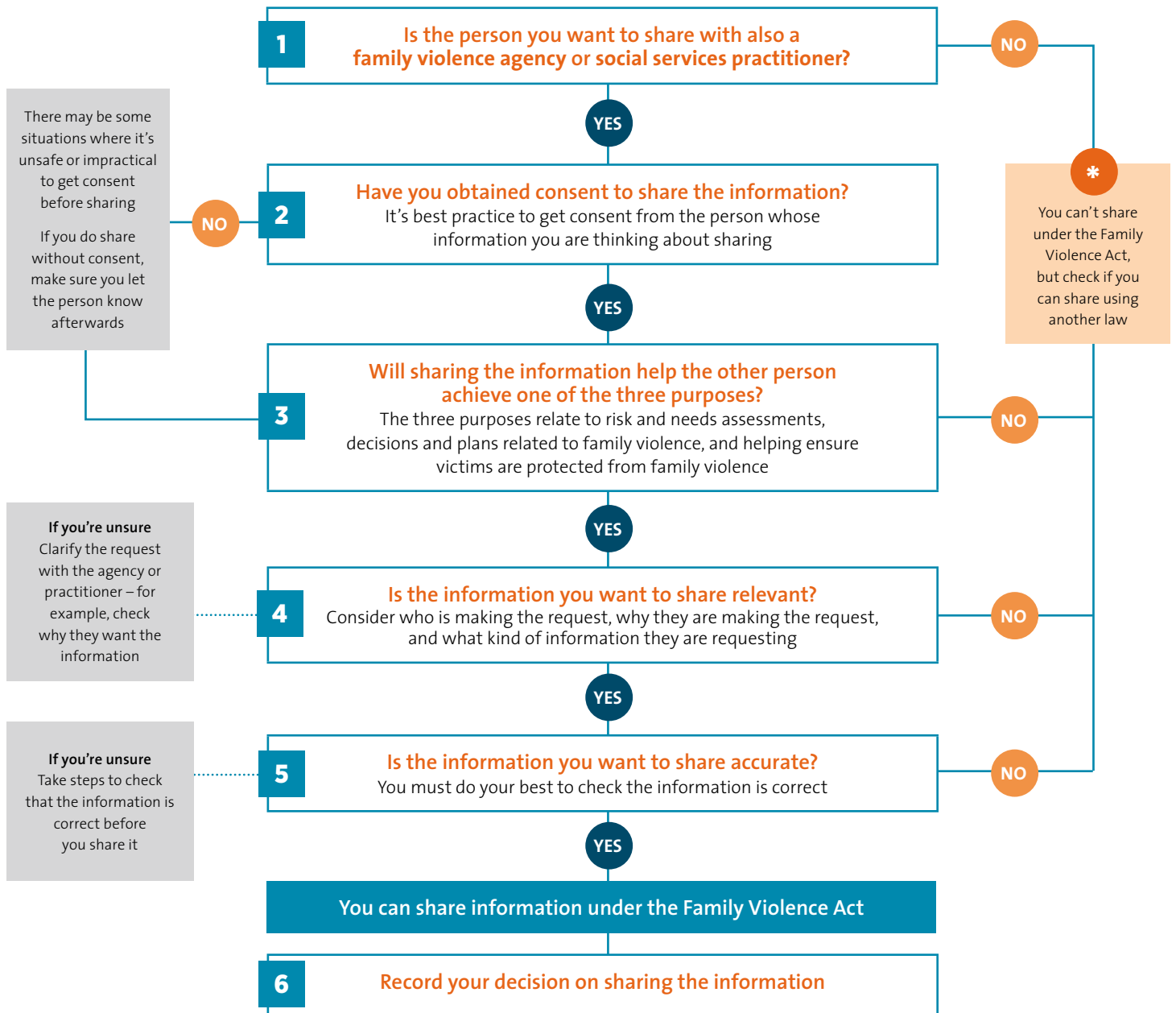
Guide to sharing information

Under the Family Violence Act 2018

REMEMBER: You have a duty to consider sharing information if:

- you get a request from another agency or practitioner, OR
- sharing may help protect a victim from family violence.

See Principle 3 in the Guidance for more information



Family violence agencies include:

Specified government agencies

ACC | Corrections | Ministries of Education, Health, Justice, Social Development | Oranga Tamariki | Police | Immigration NZ | District Health Boards | Housing NZ | Registered community housing providers

Non-governmental organisations that are partly or wholly funded by government to provide family violence services

School boards and **licensed early childhood services**

Social services practitioners include:

Teachers with practising certificates or limited authority to teach

Registered health practitioners

Chiropractors | Dietitians | Medical radiation technologists | Doctors | Medical laboratory science professionals | Anaesthetists | Nurses | Occupational therapists | Optometrists | Physiotherapists | Podiatrists | Psychologists

Registered social workers

Guide to sharing information Under the Family Violence Act 2018

Better collaboration and coordination through information sharing can help protect people from family violence and make it easier for them to get help. If you meet the requirements in the Guidance and follow the steps set out in the decision tree, you can share under the Family Violence Act.

You have a legal duty to consider information sharing if you receive a request, or if you think sharing may help protect a victim from family violence. This duty doesn't stop you from sharing information in other situations, so long as the sharing is for one of the specified purposes.

1 You can share information with another agency or practitioner who is covered by the Family Violence Act

Being a family violence agency or social services practitioner means you're allowed to share information with other family violence agencies and social services practitioners, so long as you also meet the Family Violence Act's other requirements. This means you and others can more effectively assess and manage family violence risk. If you receive a request from someone and you're not sure who they are or whether they are covered, you should make reasonable enquiries to check.

More information on family violence agencies and social services practitioners covered by the Act can be found on page 3 of the Guidance.

2 You should try to get a person's consent before sharing their information

It is best practice to get consent from the person you are sharing information about, unless it is unsafe or impractical to do so. You should explain to the person what information you want to share, who you want to share it with and why. Remember that the information is someone's life and story, and that losing control of that information can cause harm.

There may be some cases where you will be required to make a judgement call on whether you should share information without someone's consent – for example, if you are concerned for someone's immediate safety.

If you are not able to get someone's consent before you share their information, you should take steps to let them know you shared their information afterward, if it is safe to do so (e.g. you are not putting yourself or others at risk).

More information on obtaining consent can be found in Principle 2 of the Guidance.

3 You must reasonably believe that sharing the information could help the other person achieve one of the purposes

To share under the Family Violence Act, you must believe that your sharing will help the other agency or practitioner achieve one of the following purposes:

- to help ensure that a victim is protected from family violence
- to make or contribute to a family violence risk or needs assessment
- to make, or contribute to the making or carrying out of, a decision or plan relating or responding to family violence.

If you don't think sharing will help the person achieve one of the purposes, then you cannot share the information under the Family Violence Act.

You can check whether you can share the information under another law.

More information on the purposes for sharing information can be found in Principle 4 of the Guidance.

4 You must only share information that is relevant

When you are sharing information with another agency or practitioner, you should only share information that is relevant. Relevance will depend on the circumstances, including the role of the other person and what purpose they want to use it for. Think about who is making the request, why they are making the request, and what kind of information they are requesting.

You must make a judgement call on whether the information you hold is relevant to the person you want to share it with. For example, information about a child being absent from school may not be relevant to share with a doctor, while information about a person's health may not be relevant to share with some government agencies. If you share information that is irrelevant, you may be acting in bad faith and may not be able to rely on the legal protection under the Family Violence Act.

More information on the relevance of information can be found in Principle 5 of the Guidance.

5 You must check that the information you are sharing is accurate

Under the Privacy Act 1993, you must take reasonable steps to ensure information is accurate, up-to-date, relevant and not misleading. This requirement applies to information you share under the Family Violence Act. You should take steps to make sure the information you share is correct.

There may be situations where you have a hunch or suspicion that you want to share, but you are not sure you are right. You're allowed to share your suspicions, so long as you let the other person know it is merely a suspicion and not a fact.

More information on the accuracy of information can be found in Principle 6 of the Guidance.

6 You should record your decision to share the information

Keeping records of requests for information, including details of the request, your response to the request, and whether or not you obtained consent to share, is good practice. You should also make sure you record situations where you decided not to share.

If you are asked questions about the situation in the future, good record-keeping will mean you can answer confidently and provide evidence in support of your decision. It also means you will have the information you provided ready if you receive another request for the same information.

More information on recording your decision-making can be found in Principle 7 of the Guidance.

If you can't share information under the Family Violence Act, you might be able to under another law

The Family Violence Act only allows information to be shared between specific people, in specific circumstances. If you don't meet the requirements to share under the Family Violence Act, but you think it's important that you do share the information, you might be able to do so under another law.

You should check other laws and guidance to see if they might apply in your situation, including:

- Privacy Act 1993
- Oranga Tamariki Act 1989 and related information sharing guidelines
- Health Information Privacy Code 1994

