

PRIVACY AND INFORMATION SHARING

(Child Safe Standard 6)

- Health, Wellbeing and Safety
- PROTECT
- Privacy and information sharing

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schprivacy.aspx>

Critical Information

- As a school staff member you are permitted to share certain information about a child who has been impacted (or is suspected to have been impacted) by abuse with
 - other staff members in order to enable staff to best support and protect that child
 - an officer from DHHS Child Protection, if the information requested may be of assistance to DHHS Child Protection in their investigation of protective concerns
 - Victoria Police if the information may assist in the investigation of potential criminal offences, or may aid in the immediate protection and safety of the child.

This section provides detail on the specific information sharing requirements, including:

- [Information Sharing with School Staff](#)
- [Information Sharing with DHHS and Victoria Police](#)
- [Information Sharing with Family Services](#)
- [Information Sharing with the School Community](#)

Government school principals can contact the Department's Legal Division on (03) 9637 3146 for advice and assistance if they are unsure of when information can be shared.

Information Sharing with School Staff

Privacy laws allow school staff to share a child's personal and health information to enable other school staff to:

- support the education of the student, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the student
- fulfil duty of care obligations to the student, other students, staff and visitors
- make reasonable adjustments if the student has a disability, including a medical condition or mental illness

- provide a safe and secure workplace

Therefore as a school staff member you are permitted to share certain information about a child with other staff members, without the consent of a parent/guardian and without breaching privacy laws.

The type of information that may be appropriate to share with other school staff about a child who is impacted, or suspected to be impacted by child abuse may include:

- that the child is in a difficult situation
- that the child should be monitored and may need support
- the content of any Student Support Plan, including any signs or symptoms that the child may display when they are in need of support, and any strategies or support services that have been put in place to support the child while they at school.

Information Sharing with DHHS and Victoria Police

As a school staff member, privacy legislation permits you to disclose personal information about a child to DHHS Child Protection if it is authorised or permitted by law, or if it is necessary to lessen or prevent a serious and imminent risk to health, safety or welfare of any person.

Reporting suspected child abuse to DHHS Child Protection or Victoria Police **does not** constitute a breach of Victorian privacy laws because these disclosures are specifically permitted under the *Children Youth and Families Act 2005* and the *Privacy and Data Protection Act 2014*.

Disclosure of information to DHHS Child Protection in good faith does not constitute unprofessional conduct or a breach of professional ethics. This means that you cannot be successfully sued or suffer formal adverse consequences in your work.

If you've made a report or referral your identity will be protected, unless you consent to its disclosure or the disclosure is specifically authorised by a Court/Tribunal.

If you receive a request from an officer from DHHS Child Protection or Victoria Police for information relating to a child who has been impacted (or is suspected to have been impacted) by child abuse, you should:

- obtain the request for information in writing
- ensure that the written request includes the following information:
 - the name of the officer, the organisation in which they work, and their contact details
 - description of the information and documents that are being sought
 - the reasons why the information and documents are being sought

- what authority the person or their organisation believes that they have to access the requested information and documents

In these cases, you may be permitted to share the requested information and documents but you are not compelled to do so.

Information sharing with family services

Once a family service (or other service agency) commences providing services to a child and their family, as a school staff member you can only share information with this agency with the consent of the child's parents (and the child if they are old enough to consent).

This is because service provision in these circumstances is by voluntary agreement between the family and the service provider.

Family services are allowed to consult with DHHS Child Protection at any time, if necessary.

Information Sharing with the School Community

Planning and care should be taken before providing any information about child abuse to the school community. You and your Principal should be aware that that even confirming the existence of an allegation can lead to the identification of a victim.

If Principals are uncertain about how to respond to a particular request for information and documentation, they can contact:

Government schools - Legal Division on (03) 9637 3146