

What has changed?

Changes to section 66 of the Oranga Tamariki Act 1989 came into effect on 1 July 2019. The provisions enable child welfare and protection agencies, and some independent persons, to request, use and share personal information for specific purposes related to the wellbeing and safety of tamariki or rangatahi.

Guidance has been developed for the sector that sets out how these provisions can be used.

Am I able to share and request information under this legislation?

If you are a child welfare and protection agency or independent person as defined in the Oranga Tamariki Act 1989, you are able to use section 66C to share and request relevant information for specified purposes. The guidance gives you further details about the purposes of sharing and who you can share with.

For guidance on using information sharing provisions in the Oranga Tamariki Act 1989, visit the Oranga Tamariki website and search 'information sharing'.

How can I request information?

Request forms have been developed to ensure that they convey all the key information required by the person receiving the request to make a decision on the relevance of the information they hold and what they should consider releasing. Forms to request information from Oranga Tamariki or from within the sector are available on the Oranga Tamariki website.

Why is it important to fully complete the form when requesting information?

It is important to complete ALL parts of the form as this allows the receiving person or agency to assess:

- ✔ that the information can be shared under the Information Sharing Provisions
- ✔ what information is specific to the purpose and is useful to share to ensure safety and wellbeing of the tamariki, rangatahi and whānau concerned
- ✔ how best to complete the consultation process as required under Section 66K.

If this form is completed in full it also supports a timely response.

Why does the receiver need to know if I have consulted tamariki about the information I am requesting?

Before others can make decisions about sharing information with you, they are required to consult with the tamariki, rangatahi or their representative about the information they are planning to share, where it is practicable and appropriate (under section 66K of the Oranga Tamariki Act 1989). Some agencies may also require consultation with the persons the information relates to prior to disclosure. Therefore, the receiver needs to know if tamariki, rangatahi, their representative or the person concerned are aware of the request and know that the receiving agency may contact them to discuss what information they are planning to share. Equally, where you have been unable to consult with the people concerned, the receiver needs to understand the reasons why. This will assist them in making a decision on whether they should consult. Consulting with tamariki, rangatahi and whānau builds relationships, improves engagement and reduces re-traumatising. Consultation is an important way of involving people, upholding autonomy and mana, and ensures any information shared is accurate.

What happens if tamariki or rangatahi do not consent to having their information shared?

The new Information Sharing Provisions require consultation with tamariki or rangatahi wherever practicable or appropriate. Consent is not necessary however their views must be taken into account. Professional judgement will be required to determine what information should be released where tamariki or rangatahi do not wish this to occur.

Do I have to provide information when it has been requested?

If the information is requested by Oranga Tamariki or Police under section 66 you are required to provide the information, unless it is legally privileged.

If it is requested under section 66C, the child welfare and protection agency or independent person who receives the request should use professional judgement to determine what information should be shared for the purpose it is requested. All information disclosed should be relevant, accurate, up to date and free from bias. If you require more information to assist with your decision making you could contact the requester to clarify the request.

What information is legally privileged?

Legal privilege means any communication between a professional legal adviser and their clients can't be disclosed without the permission of the client.

What do I do if I receive a request and can't meet the timeframe?

There may be times when a requestor asks for information within a timeframe that you are unable to meet. In these instances contact the requestor and agree a way forward. There may be instances where you can provide some of the information required quickly but other information may take longer to consider and compile. I want to request information about myself or someone else and I am not classed as an independent person or a child welfare and protection agency.

I want to request information about myself or someone else and I am not classed as an independent person or a child welfare and protection agency. How can I do this?

If the information you wish to request is about yourself, you can make a request directly to the agency concerned under the Privacy Act 2020.

If it is about others then refer to the Official Information Act 1982.

To request information from Oranga Tamariki – find out more information about how to do this under the Official Information Act on the website.

I have concerns about tamariki, rangatahi or whānau and I am not classed as child welfare and protection agency or an independent person, what should I do?

If someone is in immediate danger, please call 111. You can make a report of concern to Oranga Tamariki on Freephone: 0508 326 459. You can also email Oranga Tamariki on contact@ot.govt.nz.