Information sharing

Sharing information in good faith under the Oranga Tamariki Act 1989

If you're working in the child welfare and protection sector, there may be times when you need to share information to support tamariki.

This guide will help you understand how and when you should share information. This is a guide only and does not constitute legal advice.

When sharing sharing information under the Oranga Tamariki Act provisions (section 66-66Q) the wellbeing and best interests of tamariki take precedence over a duty of confidentiality.

Section 16 of the Oranga Tamariki Act protects you from any kind of civil, criminal or disciplinary action if you are sharing information:

- ⊘ About the safety or wellbeing of a child or young person
- ⊘ For one of the purposes listed in section 66C
- ⊘ To a member of the child welfare and protection sector or independent person as defined in the Act, and
- ⊘ In good faith

Good Faith Information Sharing
You are protected when you share information in good faith

Good faith is about making your best efforts to share in line with the provisions, for the right reasons.

Make sure you double-check any information you are sending.

- Is the information relevant, accurate and up-to-date?
- Is the information going to the right person, in the right role?

Keep good records of the information you share, the reasons why you shared it, who was consulted and who you shared it with. This will help provide rationale for your decision.

Bad Faith Information Sharing
Bad faith doesn't always mean there are malicious motives for sharing information

Bad faith includes when you don't attempt to comply with the provisions, or when you act carelessly or recklessly with information.

For example:

- If you sent a family's full history (including a parent's own childhood history) without assessing if the information is relevant or necessary to share
- If you sent information to someone without checking if they are the right person to access it

Consult with your colleagues and managers if you are worried about sharing information in line with the provisions