

Introduction

The *Child Protection Act 1999*, chapter 5A, provides the legal framework for information sharing and outlines who is authorised to share information in particular circumstances. Child Safety and other entities may share information when it:

- is relevant to the respective roles of each entity
- is relevant to the specific purpose for which it is disclosed
- ensures the child's safety and promotes their best interests.

Privacy

To ensure compliance with the privacy principles in the *Information Privacy Act 2009*, Child Safety staff will:

- collect information only to perform Child Safety functions
- advise people why information is being collected, the authority for the collection and to whom it may be disclosed
- ensure secure storage and retention of documents containing personal information
- record what information has been shared and with whom, in Unify.

Request for information – section 159N

This record is completed in Unify by a CSO and authorised by a senior team leader.

When completing a 'Section 159N information request', the stated information must be information which Child Safety considers is relevant for the performance of a function or exercise of a power under the *Child Protection Act 1999*. The following steps will inform a decision in determining if information is required under section 159N:

1. Enter the date of the request.
2. Enter the family name of the children that Child Safety is working with.
3. Identify which prescribed entity the information request is being sent to. Either select the correct entity, or enter details of the entity if not on the list. Note, that if the prescribed entity is requesting information from Queensland Health, you must also specify under 'Other' the particular Hospital and Health Services the request has been sent to, as each of the 16 Hospital and Health Services in Queensland is an individual statutory body.

Section A

4. Family details - record the family name, given names, DOB, home address and gender of the relevant children and the family name, given names, DOB, home address, gender and relationship to the child/children of any immediate family members relevant to the request.
5. Other relevant family members - record the family name, given names, DOB, home address, gender and relationship to the child/children of any relevant family members relevant to the request.
6. Previous information provided: (a thorough check of previous information provided could provide staff with the information they are looking for and may mean this request is not required.)
 - Check Unify and ICMS records to see whether any previous information has been provided by a prescribed entity about the family and record the date that Unify was checked.
 - Check whether the matter is currently open to a SCAN team and check Yes or No.
 - Check whether the matter has previously been to a SCAN Team as information will have been provided by other entities at that time and may be the information required. Check Yes or No.
 - Talk to the SCAN coordinator if the matter is or has been at SCAN and confirm what information has been provided. Again this may mean that the information requires is not required, depending on the timeframe of previous information provided.

- Check whether any verbal information has been provided by a prescribed entity about the family, which may provide the information required. Check Yes or No and if it has, record:
 - the date the information was provided
 - the name of the person providing the information
 - a summary (key information only) that was provided. Do not cut and paste a large amount of information that may not be relevant – it needs to be enough so that the entity is aware of what is already known by Child Safety.
- Check whether any written information has been provided by a prescribed entity about the family, which may provide the information required. Check Yes or No and if it has, record:
 - the date the last lot of information was provided
 - the name of the person providing the information
 - their position within the prescribed entity.

Section B – Purpose and relevance of the information needed

In this section, **each question MUST be completed** to ensure informed and lawful decisions are made about information sharing and that the information is shared is for the purpose of meeting a child’s protection and care needs.

The information requested by Child Safety staff must be relevant for the performance of a function or exercise of a power under the *Child Protection Act 1999*, as outlined above. These requests **are not to be completed** in cases where the prescribed entity has recently provided information to Child Safety and Child Safety is not aware of any further involvement with the prescribed entity.

A. Specify why this information is being requested?

This question is designed to focus the request and ensure the person requesting the information is clear on what information is needed for and to provide clear information as part of the request. Three questions are provided to ensure sufficient information is provided to the prescribed entity:

- What are the concerns that have prompted this request?
- What information is required?
- Why is this information required?

The information requested must be relevant to the child protection concerns and the people who have significant contact with the children.

For example, “Child Safety were made aware on [date] of a serious domestic violence incident at the family home, during which the mother was allegedly injured and taken to hospital and the father was transported to hospital under an Emergency Examination Authority (EEA). No other information was provided.”

- For QPS – Can you please provide information about the circumstances of this incident, the violence observed, the observations of any children in the home and the environment, what led to the EEA and has a protection order been applied for? This information will assist in decision making about whether the child can return and remain safely in the home.
- For Health – Can you please provide information about the mother’s injuries, her presentation to staff, the father’s presentation in hospital, his diagnosis and discharge plan? This information will assist decision making about the father’s mental health, the mother’s physical and emotional state and whether the children can remain in the care of either parent.

B. What is the purpose or function for which the information is needed?

- Provide the purpose for which the information is needed. Select **only one** of the following options – the child is subject to an Intake, Investigation and Assessment, Ongoing Intervention, Court purposes - CPO or Court

purposes - assessment orders. This means that if the child is subject to OI, but the request is to support a Childrens Court application, then select Court purposes - CPO, not ongoing intervention, as the Court activity is the primary reason for the request.

- Record the date the information is needed by, and ensure this is a realistic timeframe, for example, do not enter a short timeframe if there are no specific deadlines for you receiving the information.
- **Note:** It is important that previous information provided by prescribed entities is utilised in the first instance. This will avoid making unnecessary requests or duplicating requests.

C. What is the timeframe being requested?

Clarify whether the information needed is current or historical information and where possible, include a date range. This will speed up the response to requests as it simplifies the search for the prescribed entity and avoids repetition of information already provided. If previous information has been provided, then the timeframe or date range must be later than the date information was last provided.

For example, "This request is to cover information from the incident in January 2019 to March 2019".

D. Who is the information request about and what is their relationship to the child?

Clarify who the information request is about and what their relationship to the relevant child or unborn child is. This will assist the entity to provide relevant information.

For example, if you are seeking information about a parent to assist with decision making about returning a child home, who is currently subject to a CAO "This request is in relation to the child's parents and to assist decision making about whether the child can be returned to the family home".

E. What is the link between the information requested and the concerns for the child?

This allows the requesting officer to link why this information is useful.

For example, "The child is currently subject to a CAO due to a history of parental domestic and family violence. Information about the current state of the parents' relationship will assist decision making about whether further Child Safety intervention is required."

Section C – Details of the requesting and approving officers

In the requesting officer fields, record:

- the name of the requesting officer
- their position
- their email address
- their contact telephone number
- the name of the service where they work.

In the approving officer fields, record:

- the name of the approving officer
- their position – either a senior team leader or the CSSC manager
- the approving officer's email address
- their contact telephone number
- the name of the service where they work – either a child safety service centre, child safety after hours service centre or a regional intake team.

Section D – Response by prescribed entity

Under the *Child Protection Act 1999*, section 159N(2), prescribed entities must comply with the request to the extent it relates to information in their possession or control, unless one of the exceptions in section 159N(3) apply.

The 'Information in response to this request' field will not always be used. Some prescribed entities will provide the requested information via email or through other processes. Where information is provided in the form (section D), the prescribed entity will record:

- the name of the approved officer providing the information
- the position of the approved officer
- the agency
- the approved officer's email address
- the date the information was provided
- the approved officer's contact telephone number.