



## Information Sharing between Government Agencies

The SA Coroner's inquest into the tragic death of four year old Chloe Lee Valentine, who died in January 2012, highlighted misconceptions about legislative privacy provisions leading to a lack of understanding about when information about the profound and complex needs of vulnerable people can, and in fact, often must be shared. It is a myth that there exists a privacy law that prohibits the release of personal information under any circumstances. Regrettably some public officers have relied upon this myth to refuse to release important information to other agencies that could have intervened to prevent harm being caused to a particular person. It is not overstating the case to say that some officers' aversion to risking getting into trouble for releasing confidential information has actually put the lives and safety of others in jeopardy.

In recognition of this, the South Australian Cabinet approved *Information Sharing Guidelines for promoting the safety and wellbeing of children, young people and their families* as part of the government's 'Keeping them Safe' child protection agenda in 2008. Cabinet directed that the Guidelines ('ISG') be implemented throughout the public sector and by relevant NGOs. In 2013, Cabinet directed that the scope of the ISG be broadened to cover information sharing for all vulnerable people, including adults, and located responsibility for the ISG with the Ombudsman.

Following consultation with government agencies, NGOs, the Commonwealth Privacy Commissioner, the SA Privacy Committee and the Crown Solicitor's Office, my Office published the *Information Sharing Guidelines for Promoting Safety and Wellbeing* (ISG) in October 2014. This updated guideline aligns information sharing practice across both adult and child service sectors. The ISG summarise for service providers the legal and practical framework that supports them in appropriate information sharing practice where there is risk of harm, *even when consent is not given*. Essentially, the ISG prescribes a risk assessment process and supports the disclosure of personal information from one agency to another when there is a legitimate reason to share the information. It is a good example of risk management prevailing over risk aversion for the sake of safeguarding the vulnerable members of our community.

My Office has one staff member dedicated full time to promoting the ISG and assisting agencies to implement the ISG for their operations. There are six government departments that provide services to those who are seen as vulnerable - children, people with disabilities, people with high and complex needs, those living below the poverty line and those affected by family violence - and all have issued ISG procedures specific to their operations. Dozens of NGOs and the Local Government Association have also developed ISG procedures. It is intended that the ISG be rolled out to more NGOs and sub-agencies as time progresses.

The ISG represents a significant cultural change in the way personal rights over information are understood and managed in some agencies of the public sector and it will take time to be embedded in their operations. Over the next six months my Office will undertake an audit of the implementation of the ISG by the six key government departments. The audit will delve into whether these departments have reflected their ISG procedures in all of their relevant policies, trained all relevant staff in the principles and application of their ISG procedures and

are able to demonstrate that appropriate record keeping practices for information sharing decisions have been developed.

Through this audit exercise together with ongoing monitoring and support provided by my Office, I aim to ensure that the safeguarding, risk management approach of the ISG becomes normative practice for information sharing between government agencies.