



<b>PROCEDURE NAME:</b>	Information Sharing	<b>NO.</b>	1.6.1
<b>Approved By:</b>	Risk Management and Controlled Documents Committee	<b>Approval Date:</b>	25/1/2022
<b>Document Owner:</b>	Director, Nursing and Clinical Services	<b>Next Review Date:</b>	25/1/2025
<b>Related Policy:</b>	1.6 Privacy		

**1. PURPOSE**

The purpose of this procedure is to ensure that QEC complies with all requirements for requests for information. This procedure covers information requests received by QEC and information requests initiated by QEC. For guidance re subpoenas, please see procedure 1.6.3 Subpoena Management

**2. SCOPE**

This procedure applies to all QEC employees.

**3. DEFINITIONS**

*Child Information Sharing Scheme (CISS):* Authorizes Information Sharing Entities to share information to promote the wellbeing and safety of children, as per the Children Legislation Amendment (Information Sharing) Act 2018.

*Client:* Any individual admitted to QEC; clients are referred to as “families” at QEC.

*Information Sharing Register:* A secure electronic file that includes a record of all formal information requests.

*Employee:* A person employed by QEC, including students, volunteers, casual employees and contractors.

*Family Violence Information Sharing Scheme (FVISS):* Authorizes Information Sharing Entities to share information for family violence risk assessment and risk management, as per Family Violence Protection Act 2008 and the Family Violence Protection (Information Sharing) Regulations 2018.

*Freedom of Information Act 1982:* Provides for the right to request access to documents about personal / health information and the activities of government agencies, and the right to request incorrect or misleading information held by QEC be amended or removed.

*FOI Professional Standards:* Outlines obligations that agencies subject to the FOI Act must comply with.

*Health Information:* Information or opinion about a person’s physical, mental or psychological health or disability (includes personal information).

*Health Records Act 2001 (Vic):* Legislation that protects the privacy of individuals’ health information and regulates the collection and handling of health information.

*Information Sharing Entity (ISE):* Organisations and services authorised to share and request information under the FVISS and/or CISS; QEC is recognized as an Information Sharing Entity.

*Multi-Agency Risk Assessment and Management Framework (MARAM):* Sets out the responsibilities in identifying, assessing, and managing family violence risk.

*Privacy:* A human right that includes the protection of personal and health information.

*Privacy Officer:* A designated person responsible for overseeing activities related to the development, implementation, review and adherence to procedures relating to access to health and personal information.

*Secure Email:* Encryption platform enabling secure transfer of sensitive information via email.

## 4. PROCEDURE: INFORMATION REQUESTS RECEIVED BY QEC

### 4.1 FOI Requests

#### 4.1.1 Receiving / Documenting Requests

- All requests are submitted writing to Privacy Officer via the FOI Request Form on the QEC website.
- Privacy Officer ensures that the request is entered / updated on the Information Sharing Register.
- Response is required within 30-days; an extension can be sought under certain conditions: <https://ovic.vic.gov.au/freedom-of-information/>.
- The FOI request and all other correspondence are saved to the client record.

#### 4.1.2 Processing Requests

- Privacy Officer ensures a thorough, diligent search to identify / locate relevant documents.
- Privacy Officer discusses file search outcome with the Chief Executive Officer (CEO).
- Relevant information is prepared by Family Experience Team, then forwarded to the Privacy Officer for review, in consultation with the relevant Clinical Manager.
- The Privacy Officer discusses review findings / recommendations with CEO makes final decision.
- If information is not found, Privacy Officer informs requestor in writing; using template here: <https://ovic.vic.gov.au/freedom-of-information/>.
- Privacy Officer determines cost, if any; an invoice is raised by the Finance Department.
- Privacy Officer saves copy of all information provided in the client file.

#### 4.1.3 Decisions

All final decisions are made by the CEO, who ensures decision making process is fair, objective and free of bias. QEC undertakes to ensure that decisions are made with the client's best interests and rights in mind. Decisions are communicated in writing, based on template here: <https://ovic.vic.gov.au/freedom-of-information/>.

#### 4.1.4 Exemptions

Applicants have the right to request documents, however access may be denied due to exemptions stated in the FOI Act. Exemption outcomes are given full consideration and applicants informed in writing of the outcomes. Exemption categories are described here: <https://ovic.vic.gov.au/freedom-of-information/>.

#### 4.1.5 Fees

QEC endeavours to minimise fees resulting from archiving, retrieval and copying documents. Privacy Officer calculates fees, based on the guidelines here: <https://ovic.vic.gov.au/freedom-of-information/for-agencies/access-charges/>.

#### 4.1.6 Reviews and Appeals

QEC will ensure that decisions are made in a timely manner and will inform applicants of their review / appeals rights. QEC will provide assistance to the FOI Commissioner in relation to requests for review of decisions.

#### 4.1.7 File Management and Reporting

The Privacy Officer will provide accurate and timely reporting of information as required under relevant legislative and regulatory requirements.

### 4.2 Child Information Sharing (CISS) and Family Violence Information Sharing (FVISS) Requests

#### 4.2.1 Consent to Share Information - CISS / FVISS

Consent is not required from any parties provided the thresholds for information sharing have been met. However, QEC will seek the views of the family (provided the parent is not an alleged / perpetrator), where it is appropriate, safe and reasonable to do so. CISS / FVISS recognize that:

- Child's safety takes precedence over any individual's privacy
- Adult and child victim survivors' safety takes precedence over a perpetrator's privacy.

As a result, consent is not required under either scheme to share information. CISS and FVISS do not reduce reporting obligations to Child Protection or Police.

#### 4.2.2 Threshold Requirements

FVISS prioritizes a child's safety over any individual's privacy, and victim survivor safety over perpetrator privacy. Information sharing threshold guidelines are available at [Family Violence Information Sharing Scheme | Victorian Government \(www.vic.gov.au\)](#).

CISS prioritizes a child's safety; consent and information sharing threshold guidelines are available at [Child Information Sharing Scheme | Victorian Government \(www.vic.gov.au\)](#).

#### 4.2.3 Receiving Requests

- To make a request for information, the requesting ISE emails a completed 'Family Violence and Child Information Template' available at QEC's website to [foi@qec.org.au](mailto:foi@qec.org.au)
- On receiving the request, Privacy Officer:
  - Acknowledges receipt of the request by email
  - Refers the request to the relevant Clinical Manager
  - Enters the request into Information Sharing Register.

#### 4.2.4 Verbal / Informal Requests

- Employees receiving a verbal request ask the requesting ISE to complete QEC's 'Family Violence and Child Information Template'
- If the ISE still prefers to provide a verbal request, QEC employee completes the 'Family Violence and Child Information Template' on behalf of the requesting ISE and forwards to relevant Clinical Manager and Privacy Officer.

#### 4.2.5 Responding to Requests

- Clinical Manager receiving the request is responsible for determining if the requesting organisation is an ISE [here](#), and whether the request meets thresholds for sharing.
- Clinical Manager documents relevant information on QEC's 'Family Violence and Child Information Sharing Template', and provides to Privacy Officer who:
  - Verifies email contact details for the requesting ISE
  - Emails 'Family Violence and Child Information Template' using secure email
  - Updates Information Sharing Register.
- Clinical Manager assesses potential impact of sharing information on the child/family and considers the views of the family where it is safe and appropriate to do so. Clinical Manager is mindful of appropriate language / communication styles and the needs of diverse communities.
- In certain, time critical situations, Clinical Manager may decide to share information to the requesting ISE verbally, followed up with a written response.
- All requests for information sharing from an ISE must be responded to in writing within 2 business days.

#### 4.2.6 Decisions

- Where Clinical Manager determines that request does not meet the threshold for sharing, a written explanation will be made using QEC's 'Family Violence and Child Information Sharing Template', provided to Privacy Officer who will forward to the requesting ISE via secure email.
- Clinical Managers are encouraged to utilise support / consultation to determine whether a request meets the information sharing threshold and to determine what information is relevant for sharing.
- Legal advice may also be sought if needed - via the Chief Executive Officer.

#### 4.2.7 Documentation

All information sharing requests (regardless of whether they are approved or denied) must be documented in the client record. Documentation of requests and disclosures includes highly sensitive personal information that may potentially create increased risks to children and their carers, if accessed by others. Documentation in client record must include:

- A heading stating "entry includes sensitive information that may be Freedom of Information Exempt"

- A note stating “Refer to uploaded QEC *Family Violence and Child Information Sharing Template*’
- Upload completed *Family Violence and Child Information Sharing Template*’
- A TWEQ alert to identify that the content of the entry contains highly sensitive information.

### 4.3 Open Client File Requests - Current Clients

#### 4.3.1 Open client file information requests from families

A client may be given some types of information from an open file, without the above procedures:

- Child and Family Action Plans
- Intake, Care Team, Review and Closure Meeting minutes
- Reports (excluding PASDS)
- Discharge Summaries.

#### 4.3.2 Client file information requests from other agencies (non-CISS or FVISS requests)

Information about a client engaged with QEC may be requested from other agencies - employees will ensure the family is engaged in the information sharing process and have provided consent where required.

If information is requested by another agency (not related to CISS or FVISS), the employee will:

- Ask the caller their name, contact details and what agency they are from
- Ask the caller what information is being requested and the purpose of accessing the information
- Discuss the request with their line manager and ensure consent is provided by relevant family member
- Contact the agency, verify the requester’s identity and share only consented information
- Document any information shared in the client record.

## 5. PROCEDURE: INFORMATION REQUESTS INITIATED BY QEC - FVISS / CISS

As an ISE, QEC can request information for the purpose of supporting people experiencing family violence and promoting child safety / wellbeing.

### 5.1 CISS / FVISS

Employees use the three possible scenarios below to determine which scheme applies:

- a. Sharing information to promote child’s wellbeing / safety - where family violence is not believed to be present - use CISS - refer to CISS website above for threshold requirements.
- b. Where family violence is believed to be present and a child is at risk, use FVISS to assess and manage family violence risk to both children and adults (such as parents), as well as the CISS to share information to promote the child’s wellbeing and/or other aspects of their safety - refer to CISS and FVISS websites above for threshold requirements.
- c. Where no children are at risk, use the FVISS to share information to assess or manage family violence risk to adults - see FVISS website above for threshold information.

### 5.2 Requesting CISS or FVISS Information

#### *Making a request to another ISE*

- Employee must forward their request to Clinical Manager for approval, who will review in line with CISS/FVISS thresholds to assess the appropriateness and risks with requesting information.
- Employee will use the other ISE’s process for submitting a formal request for information. Where the other ISE does not have a formal template, employee completes QEC *Family Violence and Child Information Template*’.
- If the request is approved, the Clinical Manager:
  - Ensures the email address for the other ISE is verified before submitting the request - ensuring the Privacy Officer is the contact for receiving information at QEC
  - Inform Privacy Officer of the request, who enters request in Information Sharing Register

- Record request and upload documentation to QEC client record
- Consider if appropriate, safe and reasonable to discuss request with family (non-perpetrator).

#### *Receiving requested information from another ISE*

Upon receiving the requested information from another ISE, the Privacy Officer will forward the information immediately to the relevant Clinical Manager and update the Information Sharing Register

The Clinical Manager will liaise with the relevant employee to inform decision making and actions regarding the safety or wellbeing of the child/family, ensuring information is documented in client record.

#### **7. Training**

- All employees will complete the Information Sharing Schemes module about their responsibilities under information sharing legislation during the orientation process.
- Managers will complete DFFH training (<https://elearn.childlink.com.au/my/>). Following completion of these modules, an internal education session is also to explore CISS and FVISS responsibilities further, including their application at QEC.

#### **8. RELATED QEC DOCUMENTS**

- 1.6 Privacy Policy
- 1.6.3 Subpoena Procedure
- Information Sharing Register

#### **9. RELATED EXTERNAL DOCUMENTS**

##### Key Resources

- Office of the Victorian Information Commissioner - <https://ovic.vic.gov.au/freedom-of-information/>
- Information sharing and MARAM reforms | Victorian Government ([www.vic.gov.au](http://www.vic.gov.au))

##### Legislation

- Child Wellbeing and Safety Act 2005 ([legislation.vic.gov.au](http://legislation.vic.gov.au))
- Family Violence Protection Act 2008 ([legislation.vic.gov.au](http://legislation.vic.gov.au))
- Freedom of Information Act 1982 ([legislation.gov.au](http://legislation.gov.au))

#### **10. KEY WORDS**

Freedom of information, privacy, information sharing, file, request

#### **11. APPENDIX**

- FOI Request Form (on QEC website)
- FVISS and CISS Template (on QEC website)

	<b>Date</b>	<b>Summary of Purpose/Changes</b>
<b>Document Created:</b>	23/06/2022	NA
<b>Reviewed:</b>		
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