

APPENDIX ONE: Centrelink

Information Sharing Protocol between the Commonwealth and Child Protection Agencies

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1. Formulation of the Appendix

- 1.1 This protocol has been formulated following discussions between Centrelink and the Child Protection Agencies.
- 1.2 Child Protection Agencies should approach the Privacy and Information Release Section, Ombudsman, Privacy & FOI Branch in Centrelink if any issues arise in relation to the processing of public interest requests and a co-operative approach will be taken to resolve matters.

2. Centrelink's privacy framework and other legislative obligations

2.1 Privacy and confidentiality:

- 2.2 To carry out its responsibilities on behalf of the various Government Departments and agencies Centrelink maintains records of personal information about large numbers of people. This information is provided by these people on the understanding that Centrelink will protect that information from unauthorised access, use or disclosure.
- 2.3 Centrelink has a strong privacy culture and operates within the bounds of the *Privacy Act 1988* and confidentiality provisions contained in various legislation it administers.
- 2.4 When commencing work with Centrelink, employees must sign a 'Declaration of Confidentiality'. Privacy awareness training sessions are conducted on a regular basis and staff are made aware of the severe penalties imposed on those who do not follow the rules relating to privacy and confidentiality.
- 2.5 All access to Centrelink's customer database is logged. This acts as a deterrent against unauthorised access, use and disclosure of protected information. It also assists in identifying any suspicious access to protected/personal information held in the database.
- 2.6 Centrelink has a clearly developed regime for the authorised disclosure of personal information about customers under confidentiality provisions contained in social security law, family assistance law and other legislation administered by Centrelink.
- 2.7 Sections 208 of the *Social Security (Administration) Act 1999* (SSAA) and 168 of the *A New Tax System (Family Assistance) (Administration) Act 1999* (FAAA) establish the rules for the disclosure of protected information other than that which is required as a part of an employee's duties or by overruling legislation, for example, section 67N of the *Family Law Act 1975* (Commonwealth Information Orders).
- 2.8 The legislation requires the appropriate Ministers to establish guidelines for the exercise of the Secretary's powers and to give certificates for the release of protected information. It provides the Ministers with the power to vary or revoke these guidelines and requires the Ministers to place determinations (guidelines) before Parliament.
- 2.9 In general terms, these guidelines allow disclosure where it is necessary to:
 - prevent or lessen a threat to the life, health or welfare of a person, or
 - contact a parent or relative of a child.
- 2.10 The *Privacy Act 1988*, specifically, Information Privacy Principle (IPP) 11 relates to the disclosure of personal information. Exception (d) permits disclosure to a third party where the disclosure is authorised by law. Section 208 of the SSAA and 168 of the FAAA provide this lawful authority.

3 Disclosure of customer information under the 'Threat to Life, Health or Welfare' provision

- 3.1 In cases where there is a threat to the life, health or welfare of a person, an Authorised Centrelink Contact Officer may disclose relevant information to the Child Protection Agency. A child or young person "at risk" comes under this provision and may include the fact that the young person is homeless.
- 3.2 This criterion states that relevant information about a person held by Centrelink may be disclosed, "if the disclosure is necessary to prevent, or lessen, a threat to the life, health or welfare of a person".

4 Disclosure of customer information to contact a parent or relative

- 4.1 In cases where it is necessary to contact a parent or relative of a child, Centrelink may disclose relevant information to Child Protection Agencies.
- 4.2 Centrelink requires your reason for requesting this information be included in this request, in order for the authorised officer to make a lawful decision.

5 How to request information from Centrelink

- 5.1 Requests must be specific and should provide as much information as possible to assist in identifying the individual. Unless an absolute match can be made, information will not be released by Centrelink.
- 5.2 An approved pro-forma for these requests has been established. All requests from the State and Territory Child Protection Agencies must be made using this pro-forma.
Refer to Attachment A.
- 5.3 All requests and responses can be sent electronically via encrypted secure e-mail or by fax.
- 5.4 Requests sent electronically must only be e-mailed from the child protection nominated positional mailbox.
- 5.5 These nominated positional mailboxes will be incorporated into an encrypted secure e-mail facility; all other e-mail addresses will not have the same level of security.
- 5.6 Wherever possible, requests should include:
 - full name of the person and child/ren being sought, including any aliases;
 - date of birth;
 - last known address;
 - the reason why the agency has reasonable grounds for believing that the disclosure is necessary to prevent or lessen a threat to the life, health or welfare of a child or children or why it is necessary to contact the parent or relative of the child (also include details of the relationship between the child and relative, e.g. sister, grandparent);
 - the requesting officer's name and telephone number (allows details to be checked or clarified); and
 - the information being requested.

- 5.7 Requests involving an unborn child may include why the Child Protection Agency believes the pregnant person's circumstances might lead to a threat to the life or health of the unborn child.

6 What Centrelink generally can and cannot assist with

6.1 Centrelink may disclose (threat to life, health or welfare):

- current or last recorded residential and postal address;
- names and dates of birth as per Centrelink records;
- names and dates of birth of other children who are at risk in the care of the person being sought; and
- other details where relevant on the basis that it is necessary to prevent or lessen a threat to life, health or welfare to a person.

6.2 Centrelink may disclose (necessary to contact a parent or relative of the child):

- current or last recorded relevant contact details as requested.

6.3 Centrelink will not generally be able to assist by:

- disclosing the Centrelink office the customer attends; or
- tagging the customer record, however there is no limit on the number of location checks requested for a customer.

6.4 Centrelink cannot assist when:

- requested to cancel a customer's payments in order to force the customer to present themselves in an office.

7 Response timeframes from Centrelink

7.1 Response timeframes will be broken into the following three categories for requests made under threat to life, health or welfare:

- **Critical** – Where there is an **immediate** threat, contact can be made by phone to the Centrelink contact officer by the child protection contact officer to request an immediate response.
- **High** – Response will be provided by Centrelink within 5 working hours.
- **Priority** – Response will be provided by Centrelink within 5 working days.

7.2 The response timeframe for requests that are made for the purposes of contacting a parent or relative will be 5 working days.

8 General step by step processes for Public Interest requests

8.1 All responses are provided via a Public Interest Certificate, which is approved by the Authorised Centrelink Officer.

- The child protection case officer lodges a request via their child protection contact officer.

- The child protection contact officer e-mails the request from their positional mailbox to the Centrelink contact officer's positional mailbox within the Privacy and Information Release Section.
- The request is vetted by the Centrelink contact officer to determine if it meets Public Interest provisions and then the request details are entered into the Public Interest database.
- The Centrelink contact officer searches Centrelink's electronic customer records. If a customer record is found, the relevant information is included in the response.
- If no customer record is found or there is no current information, Centrelink will advise the relevant child protection contact officer of this.
- Where the disclosure is not approved Centrelink will respond to the relevant child protection contact officer advising the reasons why the disclosure is not approved.
- Once the Public Interest Certificates are approved by the Authorised Officer, the response is e-mailed back to the relevant child protection contact officer's positional mailbox, who will then provide the response to the requesting officer.

8.2 State and Territory Child Protection Agencies can include Centrelink in their Child Protection Alerts System by sending a request, using the above process, for the location details of a family prior to or at the time of sending out an alert notice.

8.3 Should Centrelink not have a current address recorded at the time the alert notice was issued, state and territory child protection agencies can submit further requests as they deem necessary.

8.4 Where there are unexpected technical complications with e-mailing the request or response, the Child Protection Agencies and Centrelink can utilise the option of faxing.

9 Normal operating hours and after business hours support by Centrelink

9.1 Centrelink will be available for normal operating hours between 8:30am and 4:30pm.

9.2 Centrelink has also made available, via the Centrelink Geelong Call Centre, access to after business hours support, subject to system availability.

9.3 This support is available only in extreme circumstances where urgent address details are being sought by the Child Protection Agency and the request cannot wait until the next working day.

9.4 In order to contact the Centrelink Geelong Call Centre, a child protection case officer must:

i) e-mail to the Centrelink Geelong Call Centre's positional mailbox a request on the relevant proforma, and a copy of their child protection case officer ID.

ii) make contact with the Centrelink Geelong Call Centre and advise that they require urgent location information for a child where there is an immediate threat to their life, health or welfare and that they have e-mailed through a request that confirms this. If you do not make contact, this request may not be processed.

iii) Please note that this positional mailbox is only monitored between 4.30pm and 8.30am.

9.5 The contact details for the Geelong Call Centre are as follows:

Direct Phone: (03) 5228 8889 or mob 0408 349 631

Direct Fax: (03) 5228 8179

Nominated Positional Mailbox:

geelong.call.child.protection@centrelink.gov.au

- 9.6 Where there are unexpected technical complications with e-mailing the request or response, the Child Protection Agencies and Centrelink can utilise the option of faxing.

10 Senior Centrelink Officer details for reconsideration of decision and dispute resolution

- 10.1 Where the child protection contact officer is unsatisfied with the reasons for declining a disclosure or there is a dispute which cannot be resolved, the Centrelink contact officer must refer these to the following Senior Centrelink officer:

Business Manager
Privacy and Information Release Section
Ombudsman, Privacy and FOI Branch
Centrelink
Direct Phone: (02) 6155 2285
Direct Fax: (02) 6155 2305

11 Centrelink Contact Officer details

- 11.1 To ensure consistent decision-making and lawful disclosures, child protection contact officers must use the following Centrelink contact details for all enquiries:

Team Leader
Information Access Team
Privacy and Information Release Section
Ombudsman, Privacy and FOI Branch
Centrelink
Direct Phone: (02) 6155 2311
Direct Fax: (02) 6155 2305

Nominated Positional Mailbox: centrelink.child.protection@centrelink.gov.au

12 Child Protection Contact Officer details

- 12.1 The state/territory child protection agencies must provide child protection contact officer details to Centrelink. Changes must be forwarded to Centrelink within 10 working days.

- 12.2 The state/territory child protection agencies must provide their nominated positional mailbox details to Centrelink.

13 Protecting your password

- 13.1 Once a secure password has been chosen for the use of encrypted secure e-mail, Child Protection Agencies are responsible for ensuring it is protected from any unauthorised access, use or disclosure.
- 13.2 The child protection contact officer should take the following precautions:

- (a) Don't write down a password;
- (b) Don't tell anybody what a password is; and
- (c) Don't use a password when people can see what is being typed.

13.3 Child protection contact officers should ensure passwords are changed every month.

STATE/ TERRITORY CHILD PROTECTION AGENCY LETTERHEAD

Date:...../...../.....

Privacy and Information Release Section
 Ombudsman, Privacy and FOI Branch
 Centrelink

Fax number: (02) 6155 2305

Response Priority (Threat to life, health or welfare only)	<input type="checkbox"/> CRITICAL (Must notify Centrelink Contact Officer of this request by phone after faxing)	<input type="checkbox"/> HIGH (5 hours)	<input type="checkbox"/> PRIORITY (5 working days)
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The ...**AGENCY NAME**.... requests that Centrelink discloses personal information under public interest provisions in relation to:

Surname:	Given Name(s):
Alias(es):	Date of Birth:
Last known address:	

Child/ren Details:

Surname(s):	Given Name(s):
Alias(es):	Date of Birth(s):
Last known address:	
<input type="checkbox"/> Unborn Child	

Surname(s):	Given Name(s):
Alias(es):	Date of Birth(s):
Last known address:	
<input type="checkbox"/> Unborn Child	

Surname(s):	Given Name(s):
Alias(es):	Date of Birth(s):
Last known address:	
<input type="checkbox"/> Unborn Child	

☐....AGENCY NAME...has reasonable grounds for believing that the disclosure is necessary to prevent or lessen a threat to the life, health or welfare of a child/ren (which may include an unborn child).

OR

☐ AGENCY NAME...wishes to contact a parent or relative of the child.

Reasons:

(List why information is being requested from Centrelink records)

Information Requested:

(List information being requested from Centrelink records)

Name of requesting child protection contact officer:

Signature:

Direct contact number:

Direct fax number :