



Australian Government

Child Support Agency

APPENDIX THREE: The Child Support Agency

Information Sharing Protocol between the Commonwealth and Child Protection Agencies

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1. Formulation of the Appendix

1.1 The Child Support Program is delivered through the Commonwealth Department of Human Services. It is publicly known as the Child Support Agency. This appendix has been developed to be used in conjunction with the Information Sharing Protocol between the Commonwealth and Child Protection Agencies (CPAs) and has been formulated following discussions between the Child Support Agency and state and territory CPAs.

1.2 In order to facilitate the payment of child support between separated parents in accordance with Child Support legislation, the Child Support Agency collects information about separated parents and their children. This information includes, but is not limited to, contact details pertaining to separated parents and their children and information relating to the financial circumstances of each parent.

1.3 Responsibility for responding to requests for information by CPAs will sit with the External Review and Liaison (SSAT/Privacy) Team within the Child Support Agency. CPAs should promptly approach the External Review and Liaison (SSAT/Privacy) Team if any issues arise in relation to the processing of requests for information and a co-operative approach will be taken to resolve matters.

2. The Child Support Agency's privacy and secrecy framework

2.1 To carry out its responsibilities the Child Support Agency maintains records of personal information about large numbers of people. This information is provided by people on the understanding that the Child Support Agency will protect that information from unauthorised access, use or disclosure.

2.2 The Child Support Agency has a strong privacy culture and operates within the bounds of the Privacy Act 1988 and the secrecy provisions contained in the Child Support legislation – the *Child Support (Registration and Collection) Act 1988* and the *Child Support (Assessment) Act 1989*.

2.3 When commencing work with the Child Support Agency, 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 legislative guidelines relating to privacy and secrecy.

2.4 All access to the Child Support Agency'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.

2.5 The Child Support Agency operates under very strict secrecy provisions, including Section 16 of the *Child Support (Registration and Collection) Act 1988* and section 150 of the *Child Support (Assessment) Act 1989*. These provisions require that 'protected information' is not communicated other than for the purposes of the Child Support legislation, except through specific legislated exemptions.

2.6 Protected information is information concerning a person that is obtained by another person while performing their duties under, or in relation to, the Child Support legislation. Generally, any personal information gathered by the Child Support Agency, its employees and contractors, and other government agencies for the purposes of administering the Child Support legislation is protected information.

2.7 The *Privacy Act 1988* applies to the Child Support Agency. The *Privacy Act* limits how the Child Support Agency can collect, store, use and disclose information. Information Privacy Principle (IPP) 11 relates to the disclosure of personal information. Exceptions to this principle include, where the Child Support Agency believes on reasonable grounds that the use of information is necessary to prevent a serious and imminent threat to someone's life or health, or where required or authorised by law.

2.8 The Child Support Agency has access to the databases of other government agencies and it uses these databases for the purpose of performing duties under, or in relation to, the Child Support legislation. The Child Support Agency only has authority to disclose information to CPAs that is sourced from the Child Support Agency database. The CSA cannot access information held on other government data bases for the purposes of responding to a request from a CPA.

3 Child Support Agency Contact Officer details

3.1 To ensure consistent decision-making and lawful disclosures, Child Protection Contact Officers must use the following contact details for all enquiries.

Contact details for Child Support Agency Contact Officer:

The Assistant Director (Child Protection & FOI)
External Review and Liaison (SSAT/Privacy) Team
The Child Support Agency

Direct Phone: 02 627 28303
Mobile: 0423 844 871
Direct Secure Fax: 02 62728898

3.2 The Child Support Agency Contact Officer will assess and respond to all information requests received from state and territory child protection agencies.

4 Child Protection Contact Officer/s details

4.1 The state and territory CPAs must provide contact officer/s details to the Child Support Agency. The contact officer/s will be the central point of contact for each CPA and information requests will only be considered if they are received from the nominated contact officer/s.

4.2 The state and territory CPAs must provide their nominated positional mailbox details to the Child Support Agency Contact Officer.

4.3 Child Protection Contact Officers must formally advise the Child Support Agency Contact Officer of any change in contact details as soon as that change is known. The change must be communicated in writing (can be via email) and will be verified by follow up phone call. Similarly, the Child Support Agency must inform CPAs of any change to their respective contact officer.

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

5.1 The disclosure of customer information to CPAs must comply with the secrecy provisions outlined in Child Support legislation. In cases where there is a threat to the life, health or welfare of a person, an authorised Child Support Agency Contact Officer may disclose relevant information to a Child Protection Contact Officer. To disclose the information the authorised Child Support Agency Contact Officer needs to form a reasonable belief that the information is necessary to prevent or reduce the threat, or a reasonable belief that the threat may afford evidence that an offence has or may be committed against a person and the information is communicated to prevent, investigate or prosecute the offence.

5.2 If protected information is provided, the Child Protection Agency must not record, communicate or otherwise make use of the information, for purposes other than for which the information was disclosed. A person to whom information has been disclosed under this provision must comply with the Child Support legislation secrecy provisions in relation to that information (section 150(1)(c) of the *Child Support (Assessment) Act 1989* and section 16(1)(c) of the *Child Support (Registration and Collection) Act 1988*). If the purpose for providing the information to the Child Protection Agency is to prevent or lessen the threat, the Child Protection Agency may record, communicate or otherwise make use of the information if it is necessary to prevent or lessen the threat. If the person communicates the information in a way that is not permitted by the secrecy provisions, the person will be committing an offence.

6 How to request information from the Child Support Agency

6.1 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 the Child Support Agency.

6.2 Wherever possible, requests **should** include:

- the full name of the person and child/ren whose personal information is required, including any aliases;
- date of birth;
- last known address

A request **must** include:

- details of the reason/s why the disclosure of the information is necessary to prevent or lessen a threat to the life, health or welfare of a child or children; or is necessary to prevent, investigate or prosecute the offence; and
- the requesting child protection contact officer's name and telephone number.

6.3 Requests for information will be made using the CSAonline facility which ensures secure messaging. Each CPA will receive a password/s which will give them access to CSAonline to make an electronic request for information. The Child Support Agency will respond to these requests within the required timeframe (see paragraph 8.1) and the information will be released to the CPA via the secure CSAonline facility.

6.4 Arrangements have also been made, in certain and limited circumstances, for requests to be lodged via a secure fax. The pro-forma at Attachment A will be made available to CPAs and must be used if a request is to be made by fax. See paragraph 9.2..

7 What the Child Support Agency generally can and cannot assist with

7.1 The Child Support Agency may disclose:

- current or last recorded residential and postal address;
- names and dates of birth as per Child Support Agency records;
- names and dates of birth of other children in the care of another person
- most recently reported custodial information for children, including the child's main residence as well as other addresses where they spend some time; and
- other information where relevance is justified on the basis that the information has been requested and it is necessary to prevent or lessen a threat to life, health or welfare to a person.

7.2 When the Child Support Agency will provide information:

- i. Before the Child Support Agency will release protected information the Child Support Agency Contact Officer will assess each request against the following two legislative requirements which must be satisfied:
 - there is a credible threat to the life, health or welfare of a child or person; and
 - the release of the information is necessary to prevent or lessen that threat.
- ii. If either requirement is not met the request will be denied.
- iii. Generally, the Child Support Agency will not be able to assist by:
 - disclosing the Child Support Agency office that the customer attends; or
 - tagging the customer record indicating a request has been made. However there is no limit on the number of location checks that can be requested for a customer.

8 Response timeframes from the Child Support Agency

8.1 There are three response timeframe categories:

- **Critical:** Where there is an immediate threat, the Child Protection Contact Officer should contact the Child Support Agency Contact Officer by phone to request an immediate response. This should be followed by a written request, following standard procedures.
- **High:** Response will be provided by the Child Support Agency within 5 working hours
- **Priority:** Response will be provided by the Child Support Agency within 5 working days

9 General step by step processes for information requests

9.1 With the exception of **Critical** requests, CPAs will initiate all requests in writing through CSAonline secure messaging. **Critical** requests will commence with a phone request.

- The child protection case officer lodges a request via their Child Protection Contact Officer.
- The Child Protection Contact Officer accesses CSAonline using an allocated user ID and password to lodge a secure electronic request. In matters deemed **Critical**, the Child Protection Contact Officer will contact the Child Support Agency Contact Officer by phone in the first instance.
- The request is vetted by the Child Support Agency Contact Officer to determine if it meets the threat to life, health or welfare provisions.
- The Child Support Agency Contact Officer will search the Child Support Agency's electronic customer record database. 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, the Child Support Agency will advise the relevant Child Protection Contact Officer of this.
- Where the disclosure is not approved the Child Support Agency will respond in

writing to the relevant Child Protection Contact Officer advising the reasons why the disclosure is not approved.

- Where release of requested information is approved by the Child Support Agency Contact Officer, the response will be sent back to the requesting Child Protection Officer via a CSAonline secure message. The Child Protection Contact Officer will then provide the response to the requesting case officer.

9.2 There is a very small category of child support customers whose identity and personal information requires a greater level of security, these customers are referred to as “restricted access customers”. This information is classified as Protected or Highly Protected and as such cannot be sent via secure CSAonline messaging. If the information requested by a CPA concerns a Child Support Agency-restricted access customer, the electronic solution will not be suitable. Faxing or registered mail may be used in these circumstances. In the event that a CPA requests information which falls into the category of “restricted access”, the Child Support Agency will contact the CPA and discuss how the request will be managed.

9.3 The Child Support Agency is not responsible for advising CPAs of changes in the information provided. To ensure currency of information, CPAs should make a new request if it has been more than two weeks since the response to original request has been provided.

10 Normal operating hours and after business hours support by the Child Support Agency

10.1 The Child Support Agency will be available for normal operating hours between 8:30am and 4:45pm weekdays (excluding national public holidays and ACT public holidays).

10.2 After hours support will be available for **Critical** cases (see Paragraph 8 for definitions). Child Protection Contact Officers should contact:

The External Review and Liaison (SSAT/Privacy) Team
The Child Support Agency

Mobile: 0423 844 871 (*first point of contact*)
0412 708 729 (*second point of contact*)

11 Senior Child Support Agency Officer details for reconsideration of decision and dispute resolution

11.1 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 Child Support Agency Contact Officer must refer the matter to the following Senior Child Support Agency officer:

The Director
External Review and Liaison (SSAT/Privacy) Team
The Child Support Agency

Direct Phone: (02) 627 28777
Direct Secure Fax: (02) 62728898

12 Registration of CPAs with CSAonline and password/s protection

12.1 To access the CSAonline secure messaging, CPAs will need to be registered with CSAonline. The Child Support Agency Contact Officer will establish CSAonline access upon the provision of all necessary details from CPAs.

12.2 Once secure password/s have been chosen for the use of CSAonline secure messaging, Child Protection Agencies are responsible for protecting against any unauthorised access, use or disclosure of CSAonline.

12.3 All Child Protection Contact Officers should take the following precautions:

- i. Don't write down a password;
- ii. Don't reveal the password to any other person;
- iii. Don't use a password when people can see what is being typed.

12.4 The CSAonline facility enables users to regularly change passwords as an added security measure. Child protection agency contact officers should ensure passwords are changed every month.

13 Informal review

13.1 An informal review of the operating procedures established under this Appendix will be undertaken collaboratively with all parties to the protocol after six months of operation, via teleconference. At the same time, the Child Support Agency Contact Officer will conduct a review of CSA's internal operational procedures.

The informal review will provide the opportunity for all parties to provide feedback and implement agreed improvements.

The outcome of the informal review will be provided to the Child Protection Contact Officers within 28 days of completion of the review.

13.2 The outcome will provide for the reporting of the following data for each relevant state and territory, for the period of six months after the date of implementation:

- total number of requests received;
- total number of requests processed;
- total number of requests rejected; and
- total number of requests processed outside agreed processing time.

STATE/ TERRITORY CHILD PROTECTION AGENCY LETTERHEAD

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

The External Review and Liaison (SSAT/Privacy) Team

The Child Support Agency

Fax number: 02 62728898

Positional mail box: TBC

Response Priority	<input type="checkbox"/> CRITICAL <i>(Must notify the Child Support Agency Contact Officer of this request by phone after faxing)</i>	<input type="checkbox"/> HIGH (5 hours)	<input type="checkbox"/> PRIORITY (5 working days)
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The ...**AGENCY NAME**.... requests that the Child Support Agency discloses personal information under the threat to life, health or welfare 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:	

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

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

Reasons:

(INSERT AGENCY NAME)...has reasonable grounds for believing that the disclosure of information is necessary to prevent or lessen a threat to the life, health or welfare of a child/ren.

Information in relation to (insert name of person who is the subject of this request) is requested for the following reasons: (list reason for concern re risk to children and why information is being requested from Child Support Agency records).

Information Requested:

(Specify the information being requested from Child Support Agency records)

Name of requesting Child Protection Contact Officer:.....

Name of Agency

Signature:.....

Direct contact number:

Direct fax number:

Positional mail box:.....