

## Feedback on draft Standard for providing non-government third parties with access to government-held personal information

March 2025

Thank you for the opportunity to provide feedback on this draft Standard.

The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation with 41 member agencies, that has delivered services to women, children, and whānau affected by family violence in Aotearoa for over 50 years. We represent victim-survivors of family violence, specifically wāhine and tamariki, the primary groups subjected to and impacted by family violence.

The purpose of this standard seems sensible, however, without some changes being made, there is potential for this standard to inhibit enactment of family violence information sharing provisions under the Family Violence Act 2018 provisions, and to result in missed opportunities for sharing information that could support safety for victims of family violence. The same is true for information sharing provisions under the Oranga Tamariki Act 1989, however, our feedback focuses on the Family Violence Act provisions, as the Act most closely related to our Kaupapa.

### Family Violence Act 2018 information sharing guidance

According to New Zealand Government Guidance on sharing personal information under the Family Violence Act 2018<sup>1</sup>, this Act:

“introduced rules about when personal information can be shared, to encourage the sector to collaborate and respond to family violence. Under the new laws, you must consider sharing information if you receive a request from another agency or practitioner in the sector, or if you believe that it may protect a victim from family violence...

The new information sharing provisions in the Act are designed to:

- protect people from family violence and make it easier for them to get help
- ensure information sharing occurs in a way that is safe
- encourage the sector to share personal information about clients and work collaboratively to respond to family violence
- provide the sector with certainty and confidence that the law will protect them when sharing information appropriately.”

...

The four most important things to know about how the Acts work together to support good information sharing are:

1. **Safety comes first** – personal information should be shared with the right agencies or practitioners if there are concerns about someone's safety or they or others are at risk of harm. The Oranga Tamariki Act and Family Violence Act override the limits on disclosure of personal information set out in the Privacy Act 1993 so that you can share information in more situations to keep people, including tamariki, safe.

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<sup>1</sup> <https://www.justice.govt.nz/assets/Sharing-Information-Safely.pdf>

2. **Professionals can proactively share information, but in most cases it's not compulsory** – professionals and agencies should feel confident and empowered to proactively share information when it fits with the purposes of either Act..
3. **You are protected when you share in good faith** – If you share information in good faith, and comply with the information sharing provisions in the Acts, you are protected from civil, criminal or disciplinary proceedings.
4. **The Oranga Tamariki Act and the Family Violence Act go beyond the Privacy Act in some circumstances, but other parts of the Privacy Act still apply** – the Privacy Act has twelve principles that agencies must follow when collecting, storing, using or disclosing personal information. While any sharing of information under the Oranga Tamariki Act or Family Violence Act overrides the limits on disclosure of personal information, the other requirements in the Privacy Act (such as storage) still apply.”

This guidance, and the information sharing provisions in the Family Violence Act 2018, are designed to support sharing of information that can help achieve safety for victims of family violence, in a range of situations, between a significant number of agencies and professionals – government and non-government – who are likely to come into contact with victims or perpetrators of family violence, or information about victims or perpetrators. These situations are often volatile, and risk is often unforeseen.

## Recommendations on the Draft Standard

We are concerned that the draft standard as written, could potentially inhibit family violence information sharing from being done in a timely manner, or being done at all, by leading government agencies to believe there is a requirement for them to have a formal agreement in place non-government family violence specialist agencies before sharing information with them. Finalising such agreements is likely to be a lengthy process, and means that information sharing may not happen in situations where it could support victim safety – precisely the opposite of what the Family Violence Act 2018 was trying to achieve.

On the other hand, by clarifying prominently that family violence information sharing provisions under the Family Violence Act are an exception to the Standard, the Standard may actually help to raise awareness of the Family Violence Act information sharing provisions and support them to be used in appropriate situations.

Our specific recommended changes to the draft standard are as follows:

1. **Add to the Scope that the standard does not prohibit information sharing under the Family Violence Act 2018 and the Oranga Tamariki Act 1989 that is not supported by a formal information sharing agreement**, if it abides by the provisions in those acts. As information sharing under those acts is primarily for the purpose of safety of children and victims of family violence, this may require information to be requested and/or shared urgently, without the existence of a formal information sharing agreement.
  - **However, clarify, it is best practice to follow the standard to put in place information sharing agreements ahead of time that will support safe information sharing if such requests are likely to be made or received between a government agency and non-government family violence service provider**

**covered under the Act** (such as by agencies that collaborate in multi-agency family violence response forums, e.g. SAM Tables, FVIARS, ISR).

- **Include a reference to the NZ Government guidance for more information about information sharing under these acts, either within this explanation and/or under 'Tools to help you undertake privacy assessments' on p.3 of the draft Standard:**
  - <https://www.justice.govt.nz/assets/Sharing-Information-Safely.pdf>
  - <https://www.justice.govt.nz/assets/Decision-tree-poster-Guide-to-sharing-information-under-FVA.pdf>

2. **Move the Scope section earlier in the document so this information is more prominent;** we suggest putting it directly after the Purpose.
3. In addition to the Long Form Information Sharing Agreement Template (to share personal information between a public service agency and a third party), **work in collaboration with family violence specialists to create a Family Violence Information Sharing Agreement Template** for family violence multi-agency forums to use, based on provisions within the Family Violence Act 2018, for the purpose of supporting this type of information sharing, and simplify this mahi for already overburdened family violence sector agencies working together at a local level. Such an agreement must include a disclaimer at the beginning that the agreement is best practice, but is not required, before sharing family violence information as long as that sharing abides by the provisions of the Family Violence Act 2018.

Please contact us at [Research@refuge.org.nz](mailto:Research@refuge.org.nz) for clarification about any of the points in our feedback.