

FAMILY VIOLENCE INFORMATION SHARING

The Family and Whānau Violence Legislation Bill 2017

The Bill contains provisions relating to information sharing that seek to clarify expectations on the family violence sector, and enable safe and appropriate information sharing to prevent and stop family violence.

Why change?

Information sharing – done safely and appropriately – has benefits for victims of family violence, and assists frontline staff to mitigate risk of harm and address the effects of family violence.

Agencies and practitioners have told us that they do not often share relevant information with each other when working with the same families, in part because the rules around sharing information are unclear.

The provisions in the Bill aim to provide the sector with certainty and ensure safe, appropriate and consistent practice. The Bill is not intended to be used to collect a large amount of data about a large number of families or to promote large-scale data gathering from non-governmental organisations to government agencies.

What the provisions will do

SHARING INFORMATION

The Bill introduces new information sharing provisions that allow family violence agencies and social services practitioners to share information for specified and limited purposes relating to family violence.

An agency or practitioner who receives a request to disclose personal information for those purposes must consider disclosing the information, but cannot be compelled to do so under the provisions.

The Bill will provide immunity from civil, criminal, or disciplinary proceedings for sharing, unless the information is shared in bad faith.

SAFEGUARDS

Information sharing can only be shared for three purposes:

- To make/contribute to a family violence risk or need assessment
- To make/contribute to decisions or plans arising from or responding to family violence
- To help ensure a victim is protected from family violence.

We plan to issue guidance that makes clear what rules apply to the family violence sector when information is shared, including those under the Privacy Act 1993.

The existing mechanisms for dealing with inappropriate sharing of information will remain.

Who the new provisions apply to

The information sharing provisions in the Bill can be used by the family violence sector, which includes agencies and social services practitioners specified in the Bill. These include government agencies, government-funded family violence NGOs, teachers, social workers and GPs.

If you fit the definition, you can ask others in the family violence sector to share information to help you address family violence.

REFORM OF THE FAMILY VIOLENCE SYSTEM

The Bill is part of a much broader effort to reform New Zealand's family violence system.

The information sharing provisions and guidance will support this reform, including by providing:

- earlier help and more prevention
- integrated practices, and
- understanding of the complexity and diversity of people's lived experiences