



## Appendix to the Information Sharing Guidelines for promoting safety and wellbeing

The Information Sharing Guidelines (ISG) were created in 2008 to promote safety and wellbeing of children, young people and their families, and in 2013 the scope of the ISG was broadened by Cabinet to include information sharing for all vulnerable people, including adults. The state government has authorised the ISG to be implemented throughout the public sector and relevant non-government organisations.

The ISG explain how to share information appropriately so that services for those at risk of harm are provided earlier and are better coordinated. The ISG are available at <http://www.ombudsman.sa.gov.au/wp-content/uploads/ISG-Guidelines1.pdf>

This Appendix supplements the Authority's Privacy and Information Sharing Policy and the ISG with specific operational guidance to facilitate appropriate information sharing practice within the context of this Agency. They should be read in conjunction with one another, when linked these documents outline the application of information sharing for the Authority.

### Following appropriate information sharing processes

This section together with the ISG outline the appropriate information sharing practices applicable to the Authority. All information sharing should be 'secure, timely, accurate and relevant' (STAR). For further explanation about each of these considerations, see page 12 of the ISG.

#### Information Privacy Principles

In addition to complying with the ISG, South Australian Government agencies are also required to comply with Premier & Cabinet Circular No 12, the *Information Privacy Principles (IPPs) Instruction*. This document guides the collection, storage, use and disclosure of personal information by state government agencies.

Access to a copy of the IPPs is available at: <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/DPC-Circular-Information-Privacy-Principles-IPPS-Instruction.pdf>

Consequently, the Authority's Privacy and Information Sharing Policy and this Appendix are written to align and comply with not only the ISG, but also the IPPs Instruction.

#### Legal Requirements

The Authority functions and operates under specific laws which restrict, prevent or demand certain information from being shared. The Authority is bound by the following Acts. This may not be an exhaustive list.

- *Intervention Orders (Prevention of Abuse) Act, 2009* (Section 38) requires that any SA public sector agency must, on request, make available to a police officer information that could reasonably be expected to assist in locating a defendant on whom an intervention order is to be served.

## OFFICIAL

- *Children's Protection Act, 1993* (Section 11) requires that designated persons (including Authority staff) who suspect a child has been or is being abused or neglected must notify the Child Abuse Report Line of that suspicion as soon as practicable after forming that suspicion.
- *Workers Rehabilitation and Compensation Act, 1986* (Sections 110, 112 and 112AA) requires that the Authority share relevant information to authorised officers of the Workcover Corporation of South Australia.
- *Coroners Act 2003* (Section 28) requires a person, immediately after becoming aware of a death that is or may be a reportable death, notify the State Coroner or (except in the case of a death in custody) a police officer of the death, unless the person believes on reasonable grounds that the death has already been reported, or that the State Coroner is otherwise aware of the death. The Act also requires certain information to be made available to the police and the Coroner. The SA Housing Authority Coronial Policy and Coronial Guidelines provide detailed guidance on these requirements.
- *Animal Welfare Act, 1985* (Section 30 (1)(c)&(d)), requires a person to produce a document to an inspector when they have it stored in their possession electronically or another process, for matters relating to the administration or enforcement of this Act.
- *Public Sector (Data Sharing) Act 2016* (section 8) requires the Authority to provide data in their control to other public sector agencies for, data analytics work to be carried out, to assist in the making of policy, programs, and planning, and any other purposes prescribed by the regulations.
- *Freedom of Information Act 1991* (Part 3) provides a legally enforceable right for any person to be given access to the Authority's documents upon application. Access may be granted or refused once the appropriate staff in the Authority have made a determination of the outcome of the application.
- *Privacy Act 1988* (section 12) requires the Authority to provide personal information in their possession, to an individual upon their request for access. This is subject to the Freedom of Information Act or any other relevant Act of the Commonwealth.
- *South Australian Housing Trust Act 1995* (section 29) requires SA Housing Trust provide information or records in their possession or control at the request of the Minister.

In any of the above circumstances where information must be shared, the following steps of the ISG process still apply:

- Step 1 – make information sharing secure, timely, accurate, and relevant (STAR)
- Step 2 – verify the identity of the person seeking information
- Step 9 – keep appropriate records of information sharing

### **Protocols with other departments and organisations**

The Authority has protocols with other government departments and non-government organisations, this encourages the sharing of information for specific circumstances and reasons. Staff must still comply with the requirements regarding confidentiality and the sharing of information in each protocol.

- *Department of Human Services* – protocol, for a collaborative approach to working with families and young people under the Guardianship of the Minister at risk of eviction to enhance the safety and wellbeing of children and young people.

## OFFICIAL

- *Department for Correctional Services* – protocol, for a collaborative approach towards the release of offenders on Intensive Bail Supervision, Parole Home Detention and Sentenced Home detention transitioning into Public and Community Housing properties.
- *Department for Child Protection* – protocol, for a collaborative approach to helping children or young persons. Mandated notifiers must report if they suspect on reasonable grounds, that a child or young person is, or may be, at risk of harm.
- *SA Police* – Memorandum of Understanding, for a collaborative approach in addressing social disorder and criminal activity in SA Housing Trust properties.
- *Department of Health and Ageing* - Memorandum of Administrative Arrangement, to work cooperatively to allocate properties for the Mental Health Supported Social Housing Initiative, and to place nominated Mental Health and Substance Abuse clients in these properties.
- *SA Health* – Memorandum of Understanding, for the consolidated delivery of mental health services psycho-social rehabilitation and housing services to enhance the wellbeing and improve housing outcomes for people with a mental illness.

### Information Sharing Obligations

In high-risk cases where there is risk of serious harm, and help is needed urgently to protect safety of an individual, below are instances where information must be shared without delay and consent is not required.

- *South Australian Child Abuse Report Line (CARL)*  
Receives and records all child protection notifications made by telephone and assesses grounds for Families SA intervention. The ISG does not affect obligations to report suspicion of abuse or neglect. If at any stage during information sharing, concern is raised about a child or young person that leads to such a suspicion, it must be reported to CARL (131 478).
- *Mental Health Triage Service*  
Where emergency support is required to support an at-risk mental health client, call 131 465.
- *Family Safety Framework (FSF)*  
Provides a mechanism where relevant government and non-government agencies exchange information to support a more coordinated, and rapid response where there is a need to prevent or lessen a serious and imminent threat to the life or health of victims of domestic violence and their families.

Cabinet and the Privacy Committee of South Australia have approved information sharing between State Government and non-government agencies participating in the Family Safety Framework (FSF). All information sharing must be in line with the IPPs. The ISG decision making steps and practice guide can support decision making and highlight the need to make a referral to a FSF Strategy Meeting.

Where there is suspicion of serious and imminent risk of injury or death through domestic or family violence, a referral to a FSF strategy meeting is necessary. In such circumstances SA Police should be notified, call 131 444.

## ISG Decision Making Steps

The following diagrams outline the process all staff follow when deciding whether to share information, with or without consent.



If you are unsure at any stage about what to do, consult your line manager/supervisor.  
 If as a supervisor/line manager you are unsure and need help or advice, consult the SA Principal Advisor Information Sharing at Ombudsman SA on (08) 8226 8699 or 1800 128 150 (toll free outside metro area).



# ISG Practice Guide



1

## Before proceeding, check your ISG appendix for guidance:

- Share information in a manner that is consistent with legal obligations and organisational policies and procedures.
- Follow the ISG STAR principles to make information sharing Secure, Timely, Accurate and Relevant.
- Collaborate with other providers to coordinate services and manage/mitigate risk.

2

## If you do not know the person seeking information or to whom you wish to provide information, you need to verify who they are and for whom they work before sharing information.

3

## You have a legitimate purpose for information sharing if you believe it is likely to:

- divert a person from offending or harming themselves
- protect a person or groups of people from potential harm, abuse or neglect
- protect service providers in situations of danger
- help service providers more effectively address risks to safety and wellbeing
- alert other service providers to an individual's need for assistance.

4

## Generally, information is considered confidential when the person providing it believes it won't be shared with others.

Assume that people will consider most information about themselves and their families to be confidential unless they have indicated otherwise.

5

## Seeking informed consent is the first approach.

This means the person understands the purpose for information sharing, with whom it will be shared, and what might happen as a result of sharing. If informed consent has been obtained information can be shared.

6

## It may be unreasonable to obtain consent if you are concerned that in doing so the person might:

- move themselves or their family out of the organisation's or agency's view
- stop using a service seen to be necessary for the client or their children's safety or health
- coach or coerce a person to 'cover up' harmful behaviour to themselves or others
- abduct someone or abscond
- harm or threaten to harm others
- attempt suicide or self-harm
- destroy incriminating material relevant to a person or group's safety.

It may be impracticable to obtain consent if, for example, after reasonable attempts, you cannot locate the client. Discuss your concerns with a colleague/supervisor.

7

## There is a legitimate reason to share information without consent if it is believed failure to share information will lead to risk of serious harm.

Disclosure of information without consent is permitted if:

- (1) it is authorised or required by law, or
- (2) (a) it is unreasonable or impracticable to seek consent; or consent has been refused; and  
(b) the disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people.

The decision to share without consent must be based on sound risk assessment and approved by the appropriate officer in your agency or organisation.

8

## Situations where you must share information:

- If you hold a suspicion, on reasonable grounds, that a child or young person has or is being abused or neglected, you must report this to CARL (131 478).
- If you believe a person poses a serious risk to themselves or others, consider if you should notify SA Police (131 444) or Mental Health Triage Services (131 465) (formerly known as ACIS).

9

## Keep records – particularly in relation to consent issues.

As a minimum, document when sharing information is refused or occurs without consent. Follow your organisation's instructions about recording other significant steps.

## Protocols for Gaining Consent and for Discussing Limited Confidentiality

### Confidential Information

Generally, information is considered confidential when the person providing it believes it won't be shared with others. It is best practice to inform clients of the limits of confidentiality. This is usually done during intake and/or the first contact the client has with the service.

The Authority's forms and other relevant documents should, where appropriate, explain circumstances where it may be necessary to share personal information. The statement below can be adapted for use and can form the basis of discussion with clients/consumers at intake and whenever information is to be shared:

*The Authority will work closely with other agencies to coordinate the best support for you and your family. This means your informed consent for the sharing of information will be sought and respected in all situations unless:*

- *we are obliged by law to disclose your information*
- *it is unreasonable or impracticable to gain consent or consent has been refused or*
- *without information being shared, it is anticipated a person or group of people will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety.*

Authority staff should also follow the internal policies and procedures on handling confidential information as well as for informed consent when obtaining and releasing information.

The Authority is obligated to maintain the integrity of their Privacy and Information Policy.

### Seeking Informed Consent

A person's informed consent to share information must be sought in all situations where it is considered reasonable and practicable to do so. However, service providers should not seek consent if it would place a child, young person, or adult at increased risk of serious harm.

Section 2 of the ISG (pages 9-18) detail information regarding:

- The key elements of *consent*;
- The process involved in gaining a person's *informed consent*; and
- When it is *unreasonable or impractical* to seek consent

### When information can be shared without consent

There is a legitimate reason to share information without consent if it is believed failure to share information will lead to risk of serious harm.

It is permitted if:

- (1) It is authorised or required by law; or
- (2) (a) it is unreasonable or impracticable to seek consent; or consent has been refused; and  
(b) the disclosure is reasonably necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people.

More information is detailed on page 17 of the ISG.

## Assessment of Risk

The decision to share without consent must be based on a sound assessment of the risk and protective factors. Staff should use the risk assessment tools available within the Authority and discuss their concerns with managers/supervisors.

Within the Authority, the Risk and Vulnerability Framework includes a risk assessment tool that identifies areas of risk for a client to determine the best referral option to meet their needs – including to external support services.

## Client's Refusal of Consent

If the client refuses consent, respect their wishes for their information not to be shared. However, you must decide whether the information may still be released if there is a concern about safety or wellbeing, or a legal requirement.

Consider the safety of the client, yourself or others, if informing clients about plans to share information without their consent. Do not do so if it creates further risk.

If you should override their refusal of consent, the facts of the circumstances would indicate that there is a serious risk of harm, you must discuss these situations with your manager.

If consent is obtained from the client, it is important to be open and honest, explain how and why the information will or could be released and to whom.

## Lines of Approval / Supervision

This section explains who you should discuss matters with to determine:

- if you should share information;
- what and how much you may share;
- if it is safe or possible to seek consent;
- in what timeframe you should share;
- who can approve a refusal to share or sharing without consent; and
- if the relevant line manager is not available, who else you should consult.

## Front Line Staff

Front line staff members are those who are dealing directly with clients and those most likely to be directly involved in information sharing. They are integral to the information sharing decision making process, however, they are not authorised to share information without consent or to refuse a request for information unless with the approval of a manager.

Front line staff should speak with their manager to discuss any issues related to the decision, for example, what information should be shared; and whether it is safe to seek consent.

## Managers

Managers are responsible for approving all decisions to disclose information without consent or to refuse a request to share information.

Risk assessments should be re-evaluated, and consideration given to the concerns staff have, the level of risk, protective factors, the possibility of seeking consent, and what action needs to be taken.

Managers can seek additional guidance from their superiors. Alternatively, they can contact the SA Principal Advisor Information Sharing, at Ombudsman SA on (08) 8226 8699, 1800 182 150 or email: [ISG@ombudsman.sa.gov.au](mailto:ISG@ombudsman.sa.gov.au)

## Documentation and Record Keeping

### Documenting Decisions

The Authority is required to maintain accurate records, including the documentation of information sharing decisions.

When information is shared without consent, when you refuse a request to share information, or when an organisation refuses to share with you, this must be recorded.

Below is a table detailing the procedures of implementing the ISG, which can also be found on page 18 of the ISG.

Information sharing situation	What to record	Where to record
Information is shared <b>with consent</b>	Copies of written consents and file note of verbal consent recording: <ul style="list-style-type: none"> <li>• who gave it, when and to whom?</li> <li>• what the consent related to</li> <li>• information sought, provided or received</li> </ul>	Record information in the client /customer file using normal practice.
Information is shared <b>without consent</b> (by you or to you)	<ul style="list-style-type: none"> <li>• why the consent was not obtained</li> <li>• issues identified when undertaking the risk assessment</li> <li>• your line manager’s approval, if required</li> <li>• the agency and the office or officer involved (receiving and providing)</li> <li>• outcomes and follow up</li> </ul>	Record information in client/customer file in a format required by the division’s practice guidelines.
Information sharing request is <b>refused</b> (by you or to you)	<ul style="list-style-type: none"> <li>• the purpose (the immediate or anticipated risk the request was intended to address)</li> <li>• reason given for refusal</li> <li>• notification to/approval from line manager</li> <li>• outcome of any subsequent follow up from line manager</li> </ul>	Record information in client/customer file in a format required by the division’s practice guidelines.

## Cultural Guidance

When deciding whether clients’ circumstances are putting themselves or others at risk of harm, the decision simultaneously needs to be an informed judgement that considers whether there are any cultural factors.

However, despite efforts to respect and value cultural considerations, the paramount consideration when sharing information or not, remains the safety, social and emotional wellbeing of the client and others who may be at risk of harm from them.



## OFFICIAL

Where appropriate, seek guidance whenever engaged in information sharing activities that involve families whose culture is unfamiliar to you.

When seeking advice about how to share information with cultural sensitivity, it is vital to protect the privacy and identity of the client and their family.

Further information and cultural advice can be found from the following agencies:

- *Nunkunwarrin Yunti of South Australia* – phone 8406 1600
- *Aboriginal Health Council of SA* – phone 8273 7200, email [ahcsa@ahcsa.org.au](mailto:ahcsa@ahcsa.org.au)
- *Multicultural Affairs* – Phone 8429 5961 or 8429 5952, email [multiculturalaffairs@sa.gov.au](mailto:multiculturalaffairs@sa.gov.au)
- *Australian Migrant Resource Centre* – phone 8217 9500, email [admin@amrc.org.au](mailto:admin@amrc.org.au)
- *Multicultural Communities Council of SA* – phone 8345 5266, email [mccsa@mccsa.org.au](mailto:mccsa@mccsa.org.au)
- *Multicultural Youth SA Inc* – phone 8212 0085, email [info@mysa.com.au](mailto:info@mysa.com.au)

Additionally, clients need to make informed decisions about the release of their information. Where necessary staff should use an interpreter to ensure client has the necessary information and understanding to make their decision. The SA Government offers an accredited interpreting service through the Interpreting and Translating centre (ITC): telephone 1800 280 203.

## Case Studies

This section provides examples of good practice in information sharing relevant to the Authority, when information is or is not justified, as well as different scenarios of obtaining or not obtaining consent.

Please note these are only examples, when determining whether to share information, application of the ISG and Privacy and Information Sharing Policy should be implemented. Each situation you encounter is to be considered on a case-by-case basis.

### Information sharing with consent

The Department for Correctional Services contacts Housing SA to discuss accommodation and support needs for Bob, a former Housing SA tenant who is exiting prison. While it is agreed that Bob's rehabilitation is dependent on access to appropriate housing, his previous tenancy was marked by irregular rent payments and complaints about his behaviour from neighbours. At the time of his incarceration, Housing SA was about to take action against him through the Residential Tenancies Tribunal.

To determine an appropriate response based on *Housing SA's Risk and Vulnerability Framework*, the Housing SA social worker believes that relevant information on Bob should be shared with tenancy support services. Bob and the social worker agree that reducing risks may be achieved by connecting Bob with community organisations that support his needs and build on his strengths. The social worker explains to Bob that there are a broad range of supports in the community that may be appropriate to support his tenancy needs. The social worker asks Bob for his consent to share information with support services about the nature of his offence and his rehabilitation to minimise identified risks to his tenancy.

Bob consents to this information being shared and signs his written authority on the Housing SA consent form. His written consent is then placed into his customer file along with some case notes to provide context.

The Housing SA social worker accompanies Bob to a meeting with the Housing Officer and a potential community support provider to discuss his tenancy needs. Bob shares information about his offence at the meeting and discusses his hopes for the future. Based on the information provided, Bob and the social worker agree on a case plan in conjunction with the Housing Officer and the external support provider, which has agreed to support Bob with his tenancy.

In this case, information is shared with the informed consent of the client to ensure an appropriate housing outcome, and this consent has been recorded appropriately in his Housing SA customer file.

### Information sharing without consent

The South Australian Police (SAPOL) contacts the Authority to obtain information about Tim, a public housing tenant who is the subject of an open and ongoing criminal investigation for murder. SAPOL cites the *Criminal Law Consolidation Act 1935*, and requests all known current and previous addresses of Tim. In accordance with the *Coroners Act 2003 (s34)*, staff of the Authority are compelled to provide the requested information to SAPOL.

Before providing the information to SAPOL, the Authority's staff follow the internal procedure and exercise precaution upon the request for information. After confirming the identity of the SAPOL officer requesting information and being satisfied that it is a legitimate request, Tim's information can be shared without his consent. However, when staff are going through the relevant documentation in

## OFFICIAL

Tim's SA Housing record, there are various documents that contain personal information about Tim that are not pertinent to SAPOL's request for information.

There is no requirement to provide any additional information outside of what has been requested formally from the SAPOL submission, and consequently the Authority staff redact the documents before sending them to maintain confidentiality of Tim's other personal information.

Once Authority staff have provided the information to SAPOL, a record is kept in accordance with the Authority's record management system to ensure information is recorded appropriately. In this case, staff followed the appropriate steps and procedures, and the information has been shared without Tim's consent because it is permitted by the Act and ensures an appropriate and timely response in provision of information to SAPOL.

### **Information sharing requested, permission refused by client**

When in his thirties, James had a job, a wife, Karen, and a child, Chloe. They lived in their own home and James worked to support his family. Over time, problems developed in his relationship with Karen and he became increasingly unhappy with the way he was treated by his boss. He started drinking heavily, which affected his work performance, and he was sacked consequently. Karen left him and took their child with her. Soon after these events he became homeless.

James spent many years sleeping rough and did not see his family during this time. He struggled with health issues caused by a dependency on alcohol. James visited the homeless shelter regularly for a meal and a shower, where he met Dave, a case worker. Dave referred James to a Gateway service that could link him to housing and could access support for his alcohol dependency and mental health issues.

James was housed and assigned a tenancy practitioner to help support his new tenancy. The tenancy practitioner had concerns about James' mental health and heavy drinking and asked his permission to share information with a service provider that could help with these. James felt ashamed and embarrassed and did not want to discuss his problems with people he did not know. He made it clear he was making a conscious decision that was right for him.

The tenancy practitioner acknowledged his wishes and checked that James was comfortable with his role, and their regular discussions. James agreed to keep working with the tenancy practitioner.

In this case, James is capable of giving or withholding informed consent for information sharing and, based on the Risk and Vulnerability Framework, does not pose a risk of serious harm to himself or others. James refused consent for information to be shared and his wishes must be respected.

### **Information sharing requested, permission refused by the Authority**

Susan has been the victim of domestic violence and was referred to a Housing SA social worker for support. She is the principal caregiver of her nine-year-old daughter, and they reside together in Housing SA accommodation.

Susan was encouraged to return to tertiary studies by the social worker, which she has done with much success. Susan has also connected to an employment agency to enhance her prospects of employment when she completes her studies. Susan tells the employment agency that she is being supported by a Housing SA social worker.

Several weeks later the employment agency contacts Housing SA, seeking information about the reason and nature of the contact with the social worker. The employment agency staff believe they can provide better assistance if they have more detail about other support she is accessing.

## OFFICIAL

Authority staff follow the *ISG Decision Making Steps* flow chart and the *ISG Practice Guide* and determine there is no justified reason to share information without Susan's consent. It is decided that neither Susan nor her daughter will face increased risk of harm to themselves or others if this information is withheld.

### Information sharing not required

Jason is a 56-year-old man who lives alone in Housing SA accommodation; he experiences depression and frequently drinks heavily. On two separate house visits, when intoxicated, he has become angry toward Carmen, a Housing SA staff member conducting a visitation.

A senior manager of Housing SA met with Jason to discuss the incidents and to negotiate a safe working environment. Although he thinks it is an over-reaction, Jason agrees to professional help to overcome his depression and better manage his feelings of anger. Furthermore, a two-person inspection policy was introduced to protect staff wellbeing and has been in place for 18 months now.

Jason seems happier following his treatment for depression and, although he still drinks on occasion, there have been no further incidents.

Jason has decided to move to a regional area and is enquiring about other public housing tenancy options in this area to access ongoing support. He speaks with a Housing SA staff representative, who notices that on Jason's file, there are notes about the two previous incidents with house visitations. The staff member asks Jason whether he consents to this information being passed to any relevant support staff or Housing SA staff in the regional area. Jason refuses to consent to sharing this information.

This housing staff member later consults with Carmen and suggests whether they should let the new local support service provider know about previous problems with Jason's behaviour.

Carmen follows the *ISG Decision Making Steps* flow chart and the *ISG Practice Guide*, to decide whether she should share the information. She decides that although Housing SA staff have a duty to protect support and care workers from harm by providing such information, however, Carmen concludes based on Jason's improved mental health and behaviour over the past 18 months, that there is insufficient reason to share this history without Jason's consent.