

Changes to information sharing – Public consultation summary

1. Introduction

This report provides summary of the submissions received during the public review of proposed changes to information sharing from Northern Territory Government (NTG) agencies to the Department of Territory Families, Housing and Communities (the Department), through the 360 Degree View of the Child (360VoC) solution.

The NTG has always shared information between agencies to ensure the best outcomes for children that are in the care or at the attention of the Department. This information sharing has previously been a manual process, which can mean long delays before the information is available to help child protection workers.

To achieve better outcomes for children and families, the Department is introducing new technology to automate information sharing from NTG agencies to the Department. This technology is called 360VoC.

The Department is required by law to investigate notifications of harm, or potential or suspected harm, to a child and 360VoC will:

- provide the Department with access to information faster to help assess whether the child has been harmed, whether there is a likelihood of harm in the future, and whether those closest to the child are able to keep that child safe; and
- help improve the Department's responses including through early intervention and prevention services before families reach crisis point.

The 360VoC will meet the needs of Department workers, ensuring the right information is available at the right time to make the best decisions about children and their families to keep them safe.

These changes will not broaden the range of information that Department can access.

In February 2022, Part 5.1 was added to the *Care and Protection of Children Act 2007* (NT) (the Act) to allow for Data Access Agreements (DAAs) to be developed which would allow agencies to share their data with the Department for the safety and wellbeing of children and their families.

The Department of Corporate and Digital Development (DCDD) is developing a new technology to enable the transfer of relevant data from the systems of each participating agencies (namely, Department of Education, Attorney-General and Justice, NT Police, NT Health) (collectively the 'Participating Agencies') into 360VoC. This technology is referred to as the Master Data Management (MDM) system.

To enable basic identity information to be sent to the MDM, a Code of Practice (CoP) has been developed between the Department, DCDD, and the participating agencies in consultation with the Office of the Information Commissioner. The CoP will govern the use of the MDM technology that performs the data matching process.

2. Background

In line with the legislative requirements of the Act, the consultation period on the DAAs was open for 30 days.

The *Information Act 2002* does not contain any minimum requirements for consultation on the draft CoP. However, the Department made the draft CoP available for public consultation for 30 days alongside the draft DAAs.

A notice was placed in the Government Gazette on 31 May 2024 advising of the consultation period, where the DAAs could be viewed and information on how to make submissions.

The NTG webpage and Have Your Say webpage also went live on this date, and the public consultation period was formally open from 31 May 2024, closing on 1 July 2024.

The Have Your Say webpage was designed to capture feedback and written submissions and provided stakeholders and the general public the ability to download the DAAs and CoP, as well as supporting fact sheets and 'one page' summary documents.

An animation was also embedded on each webpage which was created to convey the complex subject matter into easily understood information for the general public.

The project and public consultation period were promoted externally via letters from the Department's Chief Executive Officer (CEO) to key stakeholders, as well as a post on the Department's Facebook page.

3. Consultation

At the end of the formal public consultation period, there were 541 visits to the Have Your Say webpage, 258 documents downloaded, and 8 submissions received.

The Department also accepted 3 late submissions post 1 July 2024.

The Office of the Information Commissioner (OIC) received several calls from non-government organisations during the consultation period. These were dealt with directly by the Deputy Information Commissioner and organisations were encouraged to provide submissions if they had further queries or concerns.

4. Summary of submissions

All 11 submissions received were considered by the Department, and there were 13 main themes identified which are summarised below.

The majority of the matters raised above are either known limitations that will be addressed through training of Department staff or are matters that will be addressed through governance processes and/or policies, procedures and auditing capability.

The submissions have been circulated to all agency contacts, external privacy and legal experts assisting the project and the OIC for assessment and consideration.

4.1. Support for the 360VoC and automatic data sharing

The Department was pleased to receive 6 submissions that stated their support of the project.

4.2. Short and inadequate consultation process

Two submissions stated their concern that the 30-day public consultation period was too short, and that key organisations and networks were not aware of the project or the consultation period commencing.

The public consultation process ran for 30 days, meeting the legislative requirement of Part 5.1 of the Act that interested persons may make submissions on or before the date specified in the published Gazette notice. Key stakeholders were sent formal correspondence advising that the public consultation period had commenced.

Key stakeholders of the Department and partnering agencies were identified by agency CEO's and offered pre-briefings several months prior to the public consultation process commencing. Some stakeholders took this up, and individual and joint briefings were offered, and further questions addressed through follow-up.

The Department agreed to receive several late submissions from key stakeholders and met twice with community sector members after submissions had closed in order to answer questions and address any outstanding queries.

A number of community sector stakeholders, including Aboriginal Peak Organisations Northern Territory, Northern Territory Council of Social Service and North Australian Aboriginal Justice Agency and their members, had been briefed on the project as members of the Children and Families Tripartite Forum over recent years.

4.3 Indigenous data governance and Indigenous data sovereignty has not been addressed

Four submissions stated concerns that Indigenous data governance and Indigenous data sovereignty had not been addressed in the design on 360VoC, with reference to the Productivity Commission recommendations around actions to meet Priority Reform 4 of Closing the Gap.

The Department acknowledges that Indigenous data sovereignty and Indigenous data governance is a much broader issue that the Department, and the NTG as a whole, needs to address. The Department has committed to discussions with the Department of the Chief Minister and Cabinet to explore the Office of Aboriginal Affairs leading this work.

The Department does not consider that data sovereignty and data governance can be explored in the context of the 360VoC in isolation. 360VoC is a technological solution that automates the transfer of high-level data that the Department already accesses through legislation. The 360VoC solution will reduce the manual, time-intensive and cumbersome processes that have led to delays in action to protect children's safety and wellbeing and undermine more fulsome and informed assessments of safety and risk.

The Department has committed to discussing with First Nations partners, through the Children and Families Tripartite Forum at the next meeting of 2024, options for exploring Indigenous data governance and data sovereignty as it as it relates to the collection and use of data to support improved outcomes for children and families, including to support decision-making in child protection.

4.4. 360VoC is not a full overview of a child’s life as data from service partners and other non-government organisations will not be available at this point in time

Six of the 11 submissions commented that 360VoC will not be a full picture of a child’s life or circumstances as key information from non-government organisations and other service providers is not proposed to be available in the system.

Although the Department has only established DAAs with partnering NTG agencies, Part 5.1 of the Act allows for DAAs to be developed with Commonwealth agencies and operators of child-related services. This will allow data sharing with other non-NTG organisations to be explored in the future.

360VoC is being built by the NTG DCDD, and by developing the technical solution using data and systems with known compatibility, the foundation will be set before incorporating data from external government systems.

The training package for 360VoC, as well as information windows/modals in the 360VoC dashboard, will alert child protection workers to the limitations surrounding the data displayed.

4.5. The proposed automation of information sharing is one way to the Department only

Six of the submissions suggested that 2-way information sharing between the Department and Partnering Agencies would be of great benefit, as access to 360VoC would allow these NTG agencies to see if a child is known or at the attention of the Department, to better support the child during their interactions and make better and targeted queries with the Department.

The legislation currently only allows for one way sharing to the Department.

Other agencies will need to continue to rely on existing information sharing provisions and process, including Part 5.1A of the Act, to request data from the Department.

Expansion of 360VoC to include 2-way information sharing may be considered in the future.

4.6. Data quality from participating agency source systems

Two submissions raised that data quality is dependant upon users at Participating Agencies recording data in their systems correctly. There were concerns that if data is incorrectly entered, the Department’s staff may take action of make decisions on inaccurate or incomplete data.

Data quality is a present risk, as the Department relies on the information as provided by partnering agencies.

360VoC will provide a starting point to help child protection workers direct better and proper enquiries to relevant parts of other agencies through existing channels such as phone, email and face to face.

As communication between the Department and the agencies will still occur in order to validate data and to seek further information, incorrect data may be identified during these discussions. A process is also under development for consultation with partner agencies around how to notify partner agencies of inconsistencies with data to enable corrections in the source system.

4.7. Child protection workers will rely solely on the data available in the 360VoC dashboard

Six submissions expressed concerns that Department staff will make decisions solely from the data in 360VoC or will not make further inquiries to validate the data, obtain further information or to fill in any gaps.

Best practice requires child protection workers to seek as much information as possible and have conversations with partner agencies, other service providers and families, to inform their assessments and decisions.

360VoC provides high-level information that allows workers to better target inquiries however, workers would still go to the relevant agency to request original documents and further information.

This position will be reiterated in the 360VoC training package, and practice guidance's are being updated to ensure workers understand the limitations of the data provided and expectations around further enquiries with agencies.

4.8. Should data be solely relied upon in crisis situations, the Department staff may lack the capability to interpret data from the source agency

Six submissions expressed concerns and sought what training and governance would be implemented to ensure that staff aren't making assumptions from the high-level data available in 360VoC, without verifying.

It was further specifically stated in one submission that if 360VoC data is being relied upon in decision making, this data must then be available to be presented courts as evidence.

360VoC is not intended to be solely relied upon to inform decisions, however it is acknowledged that if child protection workers do need to make a prompt assessment using the data available, this data may be required as evidence at court. The Department is working through options to export/snapshot data, noting that 360VoC was only intended to be a read-only system.

A comprehensive training package and supporting practice procedures are under development and will be finalised in consultation with the partnering agencies. Partnering agencies will have input into key messaging and guidelines of how their data is to be interpreted. The supporting governance for 360VoC will be endorsed by agency CEOs prior to Go-Live.

It was identified that these concerns also relate to existing processes and practice issues including how information is used more generally, rather than the automated nature of the data transfer or the 360VoC solution itself. The Department has offered to meet with stakeholders to discuss these concerns further.

4.9. The amount of data that will be visible to child protection workers may increase workload of an already busy and under resourced workforce

Four submissions stated noted current challenges with the NT child protection workforce.

Concerns were expressed that 360VoC may create further pressure on the under resourced workforce. While it was mostly understood that 360VoC may be used as a starting point to make enquiries, Department staff are still required to validate and seek further information from Participating Agencies thus creating additional work for these staff.

360VoC will provide child protection workers with high-level data, to be able to better target their enquiries with other agencies. It is anticipated that 360VoC will create efficiencies and reduce workload over time as child protection workers will be able to submit specific information requests to partner agencies and to identified contacts.

4.10. Identifying and selecting Close Connections, and the scope of the Close Connection definition

Five submissions raised the queries around process for identifying and selecting Close Connections and that the current definition is too broad, capturing individuals who may not have a bearing on the child's safety and wellbeing.

Selecting Close Connections in the CARE system, which will then allow the relationship and transferred data to appear in 360VoC, is a manual and conscious decision and process by child protection workers.

Practice guidance has already been drafted which stipulates that in addition to meeting the definition of Close Connection definition (i.e. aunty). Close Connections must also meet a prescribed criteria (i.e. if a family member is an identified relationship to a child, however, has no bearing on the safety or wellbeing of the child – for example because they have not been present in the child's life for 10 years), they would not be considered a Close Connection.

Practice guidances also state that consultation should occur with team leaders and Aboriginal community workers to confirm those Close Connections that are not considered 'automatic' such as biological parents and the person believed responsible.

Furthermore, in response to feedback regarding the breadth of part (b) of the definition of Close Connection (*'other family members of the Child (including as understood under the Aboriginal kinship system)'*), the Department proposed to narrow the definition by including the highlighted words below in all Data Access Agreements and the Code of Practice:

(b) 'other family members of the Child (including as understood under the Aboriginal kinship system) identified as relevant to the safety and wellbeing of the Child'.

4.11. Data security and breaches of confidentiality

Four submissions noted that privacy and data security should be a high consideration and queried how data breaches and breaches of confidentiality should be handled.

Data transferred to 360VoC will be stored in a highly secure database. Data in the system will only then be visible to authorised persons in a dashboard view in 360VoC. Department staff will not have access to a Participating Agency's source data at any stage.

The data in 360VoC can only be seen by a limited number of authorised users through secure and specific access controls and this cannot be edited. User access will be subject to regular audits and a multi-stage authentication and approvals process.

Those with secure access can only use 360VoC while connected to the NTG network, which is secured behind its own firewall. Other security measures are also in place, which is standard across the entire NTG IT environment.

Any breaches of access or confidentiality will be addressed as per the Departments *Responding to Data Breaches Procedure*.

Once 360VoC goes live with Participating Agency data, information will also be made available online to provide clear advice on how complaints can be made by the public or stakeholders should there be concerns of any inappropriate use or breaches of data.

4.12. Requirement for a comprehensive training package and supporting governance to support 360VoC, including auditing, reporting and evaluation

Five submissions noted that a detailed and thorough training package and supporting governance must be developed to enable and compliment 360VoC and that there should be transparency around the development and finalisation of this framework.

A number of stakeholders expressed strongly that they would like to review the training package and supporting governance documents.

These are known requirements, and the Department has already begun work on a number of these items.

The Department will consult with partner agencies on the training package and supporting governance, seeking endorsement of final products from agency CEO's.

It should be noted that a number of these items cannot be finalised until the DAAs and CoP are approved and there is certainty about the 360VoC system and the data to be transferred and presented within.

The Department is proposing that where suitable, these documents may be published online to provide transparency about practice procedures and frameworks.

4.13. Need for reform in child protection approaches more broadly

Four submissions expressed concerns with current practice and practice frameworks and further reform could occur to move towards a more holistic, First Nations and community-led model.

The Department has offered to meet with identified stakeholders to discuss the Department's practice framework and any concerns around practice approach in child protection matters.

In addition, the NTG has committed to reforming a number of aspects of the child protection system through the 10-year Generational Strategy for Children and Families in the NT. These initiatives are being progressed in partnership with agency and sector stakeholders under the auspices of the Children and Families Tripartite Forum.