

# SUMMARY OF DOMESTIC AND FAMILY VIOLENCE INFORMATION SHARING GUIDELINES



This document provides a summary of the domestic and family violence Information Sharing Guidelines. The full Guidelines are available on the Territory Families website, along with other useful tools and resources.

## Preventing domestic and family violence is everyone's responsibility

- Domestic and family violence (DFV) is prevalent in the Northern Territory (NT) and it causes serious harm. Women and children are most at risk.

## Mandatory Reporting and other information sharing laws still apply

- Information sharing laws in Chapter 5A of the *Domestic and Family Violence Act 2007* do not replace or change existing information sharing and mandatory reporting laws.
- Under these laws, there are certain situations where information may be shared, reported or disclosed even where the consent of the person has not been given. These existing obligations still apply.

- In the NT every adult is required by law to report DFV to police as soon as practical, if they believe that serious physical harm has or is likely to occur OR if someone's life or safety is under serious or imminent threat.
- Information may be disclosed under Information Privacy Principle 2.1 in the *NT Information Act 2002* if the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual's life, health or safety or of harm to, or exploitation of a child.
- Authorised Information Sharers under Part 5.1A of the *Care and Protection of Children Act 2007* may share information that relates to the safety or wellbeing of a child for purposes that are specified under this Act.

## Domestic and family violence information sharing laws apply to designated 'Information Sharing Entities' (ISEs)

- Under Chapter 5A of the *Domestic and Family Violence Act 2007*, certain government agencies (and non-government schools) are required to share relevant information about DFV.
- This will help organisations assess and respond to serious threats to life, health, safety and welfare because of DFV.
- Non-government organisations who provide a DFV related service can apply to become an ISE.
- A full list of ISEs is available on the Territory Families website.

## Can information be shared without consent under information sharing laws?

- An ISE should obtain the consent of a person who fears or experiences DFV before sharing information about the person, unless it is not safe, possible or practical to do so.
- However, the safety of a person who fears or is experiencing DFV is paramount in determining whether such information can be shared.
- This means that information may be shared without consent under Chapter 5A in certain circumstances.

## When can information be shared without consent?

- An ISE may share information with another ISE, without the consent of the person, if the ISE that holds the information believes on reasonable grounds that:
  - a person fears or is experiencing DFV; and
  - the information may help the receiving ISE to assess, lessen or prevent a serious threat to a person's life, health, safety or welfare because of DFV.
- An ISE may share information with another ISE on its own initiative, or following a request from another ISE for information.
- An ISE must give the information to an ISE that requests it in order to help the requesting ISE to assess, lessen or prevent a serious threat because of DFV, even if the person has not provided consent.

## When is it prohibited to share information?

- Information must not be shared if it could:
  - endanger a person's life or physical safety;
  - prejudice a court case, police investigation or coronial inquiry;
  - contravene legal professional or client legal privilege; or
  - enable the identification of a police source or breach a law.

## What do ISEs need to do?

- ISEs must comply with the Guidelines.
- ISEs need to ensure their policies, procedures, practice guidance and tools are reviewed and updated to align with their obligations.
- ISEs must ensure that their policies, procedures, practice guidance and tools align with the Northern Territory Government DFV Risk Assessment and Management Framework to help them identify, assess and respond to DFV.
- ISEs should follow the record keeping obligations outlined on page 19 of the Guidelines.
- If an ISE refuses to share information with another ISE who has made a valid information request, the ISE must provide the refusal and the grounds for the refusal in writing.
- ISEs should respond to reasonable requests for information from the Information Commissioner in order to inform the review of the Information Sharing Scheme.

## What if you are not an ISE?

- If you are not an ISE you may still be able to share information about a person, without their consent, if it is necessary or required under mandatory reporting laws, information privacy principles, or Part 5.1A of the *Care and Protection of Children Act 2007*.
- All organisations (even if they are not an ISE) should have policies and procedures in place so their employees know how to identify and respond to DFV and can meet their mandatory reporting and information sharing obligations.
- Non-government organisations who provide a DFV related service can apply to become an ISE.

## Where can I get more information?

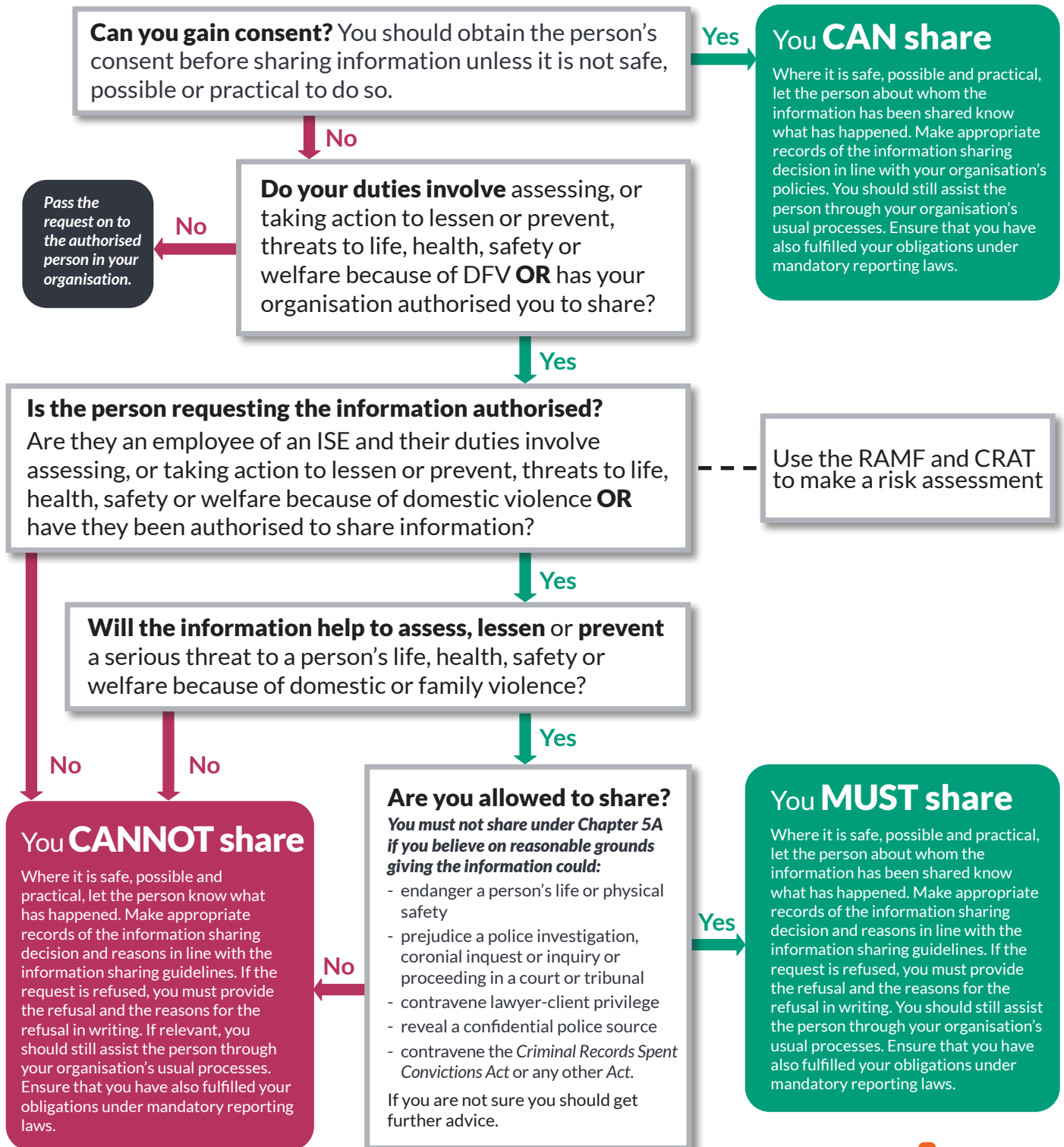
Information and resources are available at <https://territoryfamilies.nt.gov.au/dfv/informationsharing>

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# How to respond to a request to share information about Domestic and Family Violence (DFV)

These laws do not replace **mandatory reporting**, or information sharing under **Information Privacy Principles** or the **Care and Protection of Children Act**.  
Your obligations to report domestic and family violence under these laws still apply.  
See 'Can I share information?' poster

If you are an **Information Sharing Entity (ISE)** under the *Domestic and Family Violence Act (NT)*, and you have received a request to share information about a person's fear or experience of DFV, **follow these steps**.



# How to make a request for information about Domestic and Family Violence (DFV)

These laws do not replace **mandatory reporting**, or information sharing under **Information Privacy Principles** or the **Care and Protection of Children Act**.

Your obligations to report domestic and family violence under these laws still apply.

See 'Can I share information?' poster

If you are an **Information Sharing Entity (ISE)** under the *Domestic and Family Violence Act (NT)*, and you want to request information from another ISE about a person's fear or experience of DFV, **follow these steps**.

