

23 November 2011

Mr Timothy Pilgrim  
Australian Privacy Commissioner  
Office of the Australian Information Commission  
GPO Box 5218  
SYDNEY, NSW 2001

Dear Mr Pilgrim

Thank you for the opportunity to comment on the application from UnitingCare Wesley Adelaide for a new public interest determination.

The South Australian Council of Social Service (SACOSS) is the peak non-government representative body for health and community services in South Australia. We have a strong membership base of almost 300 people and organisations from a broad range of areas in the social services arena. Members of our organisation span both small and large non government organisations (NGOs), peak bodies, service providers, individuals and some government departments.

In 2007 SACOSS was consulted about the development of a state wide approach to information sharing to improve service provision to our most vulnerable families. This was part of the groundwork for developing the *Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and their Families* (ISG). From the outset, we were always enthusiastic about the implementation of the ISG and SACOSS has actively continued to support its development and implementation. For example we have hosted a number of ISG information sessions delivered by the Office of the Guardian for Children and Young People (GCYP) to organisations in metropolitan and regional locations. SACOSS Policy Council has been represented on the GCYP state wide ISG steering committee since its inception in 2009.

SACOSS continues to work closely with GCYP and member organisations to support ISG implementation across a broad range of health and human service sectors including domestic violence, drug and alcohol, mental health and homelessness.

The ISG's promotion of effective collaboration between government and non government organisations in the provision of early intervention for vulnerable families is core to our values and purpose. SACOSS and its members are in no doubt that it is in the public interest to help vulnerable families before things escalate to a crisis. We recognise effective early intervention can help prevent homelessness, family violence, crime, abuse and neglect, poverty, and promote social inclusion.

To implement the ISG, relevant agencies and organisations are required to develop organisational procedures (ISG appendix) and to induct staff into the ISG. To assist organisations in this task, GCYP has produced a very useful *Guide to Writing an ISG Appendix* (see [www.gcyp.sa.gov.au](http://www.gcyp.sa.gov.au)) which leads organisations through the processes required so as to ensure attention is given to seeking informed consent for information sharing, that appropriate records are kept, and that privacy is promoted whilst ensuring all efforts are harnessed towards maintaining wellbeing and safety.

Inconsistencies between requirements of the ISG and the Commonwealth Information Privacy Principles (Privacy Act 1988 Commonwealth) in regard to the test of imminence have posed a real dilemma for South Australian NGOs. NGOs providing family services under contract to the State are obliged to implement the ISG however this may in fact contravene their responsibility under the Privacy Act, and, in some instances, federal funding agreements.

Feedback from NGOs unfailingly indicates to us that they want a consistent approach to information sharing in all programs, irrespective of the funding source.

It is likely some NGOs will not implement the ISG until inconsistencies between information sharing requirements are resolved. That means they might not share information when a child or young person is at serious risk of harm, neglect or abuse because they feel they are bound by different privacy requirements. The step by step simple process of the ISG enables clear understanding of how to seek informed client consent, maintain good quality client records, exchange information in a secure manner and helps to identify circumstances where information sharing is required to mitigate risk.

SACOSS supports the application by UnitingCare Wesley for a PID to allow them to fully implement the *Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and their Families* (ISG). We also propose that it is in the public interest that all relevant SA NGOs be included in your determination.

In closing, we would like to emphasise our desire that this issue be resolved in as speedy manner as possible. We believe the ISG mechanisms provides a strong safeguard for privacy and additionally creates a mechanism within which it is possible to achieve an added and needed level of protection for vulnerable children and families.

We would be very happy to discuss this in person if this would be at all helpful and I can be contacted on 08 8305 4223.

Yours sincerely,



Ross Womersley  
Executive Director