

APPENDIX B

Information sharing process checklist when responding to a request

When responding to an information request, you should:

- Make sure the person requesting information is from a prescribed ISE.
 - ... Check the regulations and make sure they are prescribed as an ISE.
 - ... If you don't have an existing relationship with the person requesting the information, you should verify that they are who they say (e.g. by asking them to send you an email from their official work account).
- Make sure their request for information is for a permitted purpose under Part 5A of the *Family Violence Protection Act 2008* (FVPA) — namely:
 - a. If the information is being requested for a family violence assessment purpose
 - ... Only specifically prescribed Risk Assessment Entities can request and receive information for a family violence assessment purpose. Therefore, confirm that the person requesting information is specifically prescribed as a Risk Assessment Entity
 - ... Refer to the MARAM Framework to assess what information is relevant and share in line with your professional judgement
 - ... Ensure that you share information in a way that does not place victim survivor at further risk of harm.
 - OR
 - b. If the information is being requested for a family violence protection purpose.
 - ... Any prescribed ISE is permitted to request and receive information for a family violence protection purpose
 - ... You must reasonably believe that the disclosure of the relevant information is necessary for a family violence protection purpose. Refer to the MARAM Framework to assess what information is relevant and share in line with your professional judgement
- ... Ensure that you share information in a way that does not place the victim survivor/s at further risk of harm.
- Prior to sharing the relevant information, make sure the information is not excluded information or that sharing it would not contravene another law:
 - ... Refer to the legislation and Family Violence Information Sharing Guidelines
 - ... Speak to your manager if you are unsure or you want to verify what information should not be shared.
- Prior to sharing the relevant information, make sure you have obtained consent from the relevant person (if required by Part 5A of the FVPA):
 - a. When sharing information to assess or manage risk for an adult victim survivor of family violence, the following consent requirements apply.
 - ... Perpetrator consent is not required
 - ... Consent from an adult victim survivor or third party is required unless you believe sharing the information is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare. Refer to the MARAM Framework to inform your assessment of threat or risk level and exercise your professional judgement. Speak to your manager if you are unsure or you want to verify what information should not be shared
 - ... Consent from a child victim survivor is not required but their views or the view of their parent that is not a perpetrator should generally be sought. This is crucial for building open and transparent relationships between service providers and victim survivors
 - ... It is important that you have an upfront conversation with all clients at the point they engage with services about how their information might be shared under

Part 5A of the FVPA, irrespective of consent.

b. When sharing information to assess or manage risk for a child victim survivor of family violence, consent is not required from any person.

- ... It is important that you have an upfront conversation with all clients at the point they engage with services about how their information might be shared under Part 5A of the FVPA, irrespective of consent
- ... Seek to promote the agency of the child and other family members at risk of family violence by taking into account their wishes where appropriate and plan for the safety of all family members at risk of family violence
- ... If safe to do so, notify the child and other family members at risk of family violence that their information has been shared under Part 5A of the FVPA.

- Document the entity that requested the information and the worker you spoke with.
- Document the information that was shared and any consent obtained, or the reason for sharing without consent.
- If you refuse to share the information because it was exempt or applicable consent thresholds were not met, set out reasons for refusal in writing and provide this to the requesting ISE.
- Document the method of sharing, and if sent through email, whether encryption was used.

Remember

At any stage, if you are concerned or uncertain about the information sharing process, speak to your manager for guidance prior to making any decisions.

Remember

If you think that a perpetrator or victim survivor has been misidentified, you should only share information consistent with Part 5A of the FVPA and the applicable consent thresholds. If you believe someone is a victim survivor (and not a perpetrator), you must seek their consent first unless there is serious threat or information is relevant to assessing or managing risk to a child victim survivor.