## DCJ’s obligations

The Department of Communities and Justice (‘DCJ’) has important obligations when dealing with the personal and health information of young people (‘their information’). DCJ’s main obligations are detailed in the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

## Consent to collect, use, disclose and retain information

So that DCJ can provide services to young people, it is important that it provide them with information about what is going to happen with their information and seek their consent to collecting, using, disclosing and retaining their information.

DCJ is responsible for helping young people understand what consent means. The DCJ’s *Privacy Policy* governs this process: see https://dcj.nsw.gov.au/statements/privacy/privacy-policy.html

Young people have a right to decide what happens to their information. They have the right to consent, refuse consent, or withdraw consent at any time.

DCJ employees/care givers or significant others to the young person (over 18 years) must be confident that the following principles of obtaining consent have been met before the young person signs this form. The young person must:

* have the capacity to give consent,
* freely give consent,
* be appropriately informed of the specific purpose and duration of obtaining or sharing their personal information, and
* be provided with enough information for them to understand the purpose and the risks associated with sharing their personal information by giving them the attached Privacy Notice.

DCJ employees must also be aware that when collecting information from a young person, they only collect information that is directly related to providing the young person with the services and assistance to which the consent relates. In this case, the young person’s consent relates to their participation in the Service NSW (‘SNSW’) Traineeship and Internship Program (‘the Program’).

## Determining the capacity to give consent

Explain to the young person that it is important that the DCJ collects their information and provides it to the NSW Department of Customer Service (‘DCS’) and SNSW so they can participate in the Program.

It is essential to determine a young person’s capacity to understand and consent to what they are signing on the Consent Form.

If you think the young person does not have the capacity to consent (i.e., due to substances, cognitive ability, or mental health episode), consult your supervisor as early as possible.

Together, identify any reasonable adjustments required to meet the young person’s needs.

You can check the young person’s understanding by asking them:

‘Can you repeat in your own words what we have discussed?’

**Completing the Consent Question Sheet**

Start the conversation with an explanation of consent.

Complete the Consent Question Sheet with the young person, identifying that their personal information will be collected by the DCJ and provided by the DCJ to DCS and SNSW so they can participate in the Program. Also identify with the young person that DCS and/or SNSW will provide their personal information to the recruitment service providers it has engaged to manage the Program.

The young person must circle ‘yes’ or ‘no’ to understand and consent to each statement in the Consent Question Sheet before signing the Consent Form. This ensures that the young person has enough information to give valid consent.

* When I give my consent, I say it is okay for DCJ to collect, use and share my information with the DCS and SNSW so I can participate in the Program.

Explain to the young person that consent means that they agree for DCJ to share relevant information, for example their application to participate in the Program and their resume.

Explain to the young person that the reason DCJ wants to collect, use, disclose and retain their information is to help DCJ and SNSW to support and achieve the best outcome for them in the Program

* I understand I can stop my consent at any time. I need to tell DCJ if I change my mind.

Explain to the young person that they can withdraw their consent by letting a DCJ employee know. The DCJ employee will make a case not to records that their consent has been withdrawn.

* I have read the information in this question sheet, or someone has helped me read it.

Provide sufficient time to assist young people to read and to explain the consent process with them. This strengthens their involvement in deciding who will see their personal information as it that relates to them.

* I have had a chance to ask questions about this question sheet and I am okay with the answers.

Provide young people with sufficient time and opportunity for young people to ask questions to help them understand what they are consenting to, and they are okay with the answers.

* Once I sign the Consent Form, DCJ will be able to collect my information, use it, disclose it to SNSW and retain it, but only for the purpose of the recruitment program.

Explain to the young person that the consent form only their involvement in the Program.

* I have been offered a copy of the Consent Form, and DCJ will keep the original Consent Form.

Offer the young person a paper or electronic version of the Consent Form. Remind them to keep their personal information safe if they decide to have a copy.

Explain to the young person that their consent form will be kept on their DCJ case file.

* **Verbal consent**

Any verbal consent obtained must be recorded within a case note and reflected in the young person’s signature panel on the form by adding the words ‘*verbal consent given*’ to the Consent Form. DCJ employees should arrange for a signed Consent Form to be completed at the earliest opportunity.

* Please also provide the young person with a copy of the Privacy Notice.

Explain to the young person that it provides them with information about what is going to happen with their information.

|  |
| --- |
| **CONSENT QUESTION SHEET** |
| **I understand and consent to the following statements:** |
| When I give my consent, I say it is okay for DCJ to collect, use and share my information with the DCS and SNSW so I can participate in the Program. | **🗸 YES** **🗴 NO** |
|  I understand I can stop my consent at any time. I need to tell DCJ if I change my mind. | **🗸 YES** **🗴 NO** |
| I have read the information in this question sheet, or someone has helped me read it. | **🗸 YES** **🗴 NO** |
| I have had a chance to ask questions about this form and I am okay with the answers. | **🗸 YES** **🗴 NO** |
| Once I sign this form, DCJ will be able to collect, use and share my information so I can participate in the recruitment program. | **🗸 YES** **🗴 NO** |
| I have been offered a copy of the Consent Form and DCJ will keep the Original Consent Form. | **🗸 YES**  **🗴 NO** |

# CONSENT FORM

|  |  |
| --- | --- |
| Name of young person | Age |
|  |  |
| Address | Contact Number |
|  |  |
| Consent |
| I consent to:1. DCJ forwarding on my application and resume to the and Service NSW (‘SNSW’).
2. DCJ disclosing my personal information to SNSW, including the following documents:
* birth certificate
* Medicare Card
* school reports from past 2 completed semesters
* resume
1. SNSW conducting an assessment on my application using the personal information (application) provided

I understand that:1. This consent form is for the purposes of participation in the Traineeship and Internship Program.
2. I have had an opportunity to ask questions about the Internship and Traineeship Program.
3. All the information I provide in support of my application will be treated in strict confidence and will be kept confidential.
4. SNSW will seek my consent should they wish to use or disclose the information for any other purpose.
 |
| Signed by young person: |  | Date |  |
| Name of witness  |  |  |  |
| Signature of witness: |  | Date |  |

# PRIVACY NOTICE

The NSW Government collects, stores, uses and discloses your personal and health information as required by the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Health Records and Information Privacy Act 2002 (NSW).* These laws have privacy principles that tell us:

* what information we can collect and how we collect it
* how we store and protect your personal and health information
* how you can find out what information we hold about you and correct it if it is wrong
* how we can use and disclose your information including special protection for health and other sensitive information
* how you can complain about breaches of your privacy.

This privacy notice applies to Communities and Justice and its related agencies like YJNSW that comply with NSW privacy legislation when collecting and managing your personal and health information. The information we collect from you or from an authorised third party will be held and used by Communities and Justice to deliver services and to meet our legal responsibilities. We may also use your information within Communities and Justice as a whole, to plan, coordinate and improve the way we provide services. The Communities and Justice is also legally authorised to disclose information to outside bodies in certain circumstances.

Further information about your privacy rights:

* Phone: 02 9716 2662
* Email: infoandprivacy@dcj.nsw.gov.au

Communities and Justice has a [Privacy Policy](https://www.dcj.nsw.gov.au/content/dam/dcj/dcj-website/documents/resource-centre/policies/Privacy-Policy-Oct-2022-Final-PDF.pdf) (PDF, 199.7 KB) that tells about its personal and health information handling practices. It also tells about how the Communities and Justice Communities and Justice deals with the personal and health information it collects. This Privacy Policy provides the framework for how we manage your personal and health information. We are committed to responsibly and properly managing the information we collect from you and protecting your privacy.

Communities and Justice also has a [Privacy Management Plan](https://www.dcj.nsw.gov.au/content/dam/dcj/dcj-website/documents/about-us/access-to-information/Privacy_Management_Plan_Final.pdf) (PDF, 305.8 KB) that tells about how it carries out its obligations under the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

If you have any questions about our Privacy Policy or would like to request access to information Communities and Justice holds about you, please contact:

**Open Government, Information and Privacy Unit**Communities and Justice
Locked Bag 5000
Parramatta NSW 2124