



Checklist for requesting information under Chapter 16A

This checklist is a ready reckoner for authorised workers in prescribed bodies¹ who want to request information concerning the safety, welfare or wellbeing of children², young people³ and/or their families and details the main steps and key considerations.

More detailed information about requesting information can be found in the [Exchanging information chapter](#).

Who can I request information from under Chapter 16A?

Is the organisation that you want to request information from a “prescribed body”?

YES ⇒ A prescribed body is any organisation specified in Section 248(6) of the *Children and Young Persons (Care and Protection) Act 1998* (the Act) or in Clause 7 of the *Children and Young Persons (Care and Protection) Regulation 2000*. Generally prescribed bodies include: the NSW Police force; NSW Government departments and public authorities; organisations that arrange the provision of out-of-home care; government schools, registered non-government schools or TAFE; public health organisations or private hospitals; private fostering or adoption agencies; child care centres; designated agencies; registered agencies or any organisation responsible for the direct supervision or provision of health care, welfare, education, children’s services, residential services, or law enforcement wholly or partly to children.

NO ⇒ Information cannot be requested from that organisation under Chapter 16A.

What information do I need and why?

Does the information concern the safety, welfare or wellbeing of a child or young person?

YES ⇒ Do I need the information to make a decision, assessment or plan; initiate or conduct an investigation; provide a service or manage a risk that might arise in my agency’s capacity as an employer or designated agency to a child or young person?

YES ⇒ Information can be requested under Chapter 16A.

NO ⇒ The information does not concern the safety, welfare or wellbeing of a child or young person and therefore cannot be requested under Chapter 16A.

What do I have to do before requesting information?

Consent is not required as Chapter 16A authorises its exchange under law, however it is best practice to seek consent and/or inform a child, young person or their family that information about them is being disclosed, if practicable.

Has the child, young person or their family consented to or been advised that information will be requested?

YES ⇒ The responding prescribed body should be advised that the child/young person or family has consented or has been informed.

¹ Including the Department of Family and Community Services, Community Services,

² All references to a child(ren) include an unborn child where a pre-natal report has been made to Department of Family and Community Services, Community Services under section 25 of the *Children and Young Persons (Care and Protection) Act 1998*.

³ All references to a child or young person include a class of children and young persons.

- NO ⇒ The responding prescribed body should be advised of the reasons why consent has not been obtained or the child, young person or family has not been informed including:
- it may further jeopardise a child or young person's safety, welfare or wellbeing
 - it could place yourself or another person at risk of harm
 - the parent/carer is uncontactable and the matter is urgent.

Is there sufficient information to enable the responding prescribed body to understand the purpose of the request and how the information is expected to assist with that purpose?

YES ⇒ The request can proceed.

NO ⇒ Further clarification is required on how the request meets the requirements of Chapter 16A, why the information is needed, the timeframe for response, who the request is about, associated relationships and necessary background information (talk to your supervisor).

When can information received under Chapter 16A be shared with others?

Can the information be shared within your organisation?

- YES ⇒ The information can be shared with colleagues who require the information in order to: make a decision, assessment or plan; initiate or conduct an investigation; provide a service; or manage a risk that might arise in the recipient's capacity as an employer or designated agency in relation to the safety, welfare or wellbeing of a child or young person in accordance with Chapter 16A.
- NO ⇒ The information should not be shared with others in your organisation who do not need to know in order to do their job.

Can the information be shared with other organisations?

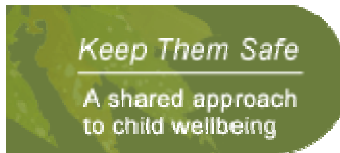
- YES ⇒ Information received under Chapter 16A can be requested and provided under Chapter 16A to a different organisation at a later date. For example, the Department of Education and Communities (DEC) receives information, requested under Chapter 16A from NSW Health about a particular child. If DEC subsequently receives a Chapter 16A request from NSW Police about that child then, provided there were no grounds to decline the NSW Police request and the information fell within the scope of Chapter 16A, DEC would be obliged to also share the information it received from NSW Health.
- NO ⇒ The information does not come within Chapter 16A and can only be shared as otherwise required or permitted by any law. For example, the requesting organisation is not a prescribed body (or an individual, such as a parent or family member asks to see the information) and the request will not assist with making a decision, assessment or plan; initiating or conducting an investigation; providing a service; or managing a risk that might arise in the recipient's capacity as an employer or designated agency relating to the safety, welfare or wellbeing of a child or young person.

Organisations should always consider the relevance of the information they hold and may advise the requesting prescribed body that they are likely to get more complete and up-to-date information by directly contacting the original source of the information.

Consideration should be given to whether the child/young person or family consented to or was informed of the initial exchange of information and whether they should consent to or be informed of the proposed provision to another prescribed body.

Has the information been requested under the *Government Information (Public Access) Act 2009*?

YES ⇒ The same rules apply to providing information received under Chapter 16A as apply to all information held by the organisation.



Important note: This information does not constitute legal advice. If more information is required, consult the relevant legislation or a legal advisor, as necessary.

Disclaimer: While reasonable efforts have been made to ensure that the contents of this document are correct, the State of New South Wales, its agencies and employees, do not accept responsibility for the accuracy or completeness of the contents, and is not liable to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the contents of this document.