



## Checklist for receiving information under Chapter 16A

This checklist is a ready reckoner for authorised workers in prescribed bodies<sup>1</sup> who have received information relating to the safety, welfare or wellbeing of children<sup>2</sup>, young people<sup>3</sup> and/or family and details the main steps and key considerations.

More detailed information about receiving information can be found in the [Exchanging Information Chapter](#).

### How can I use information received under Chapter 16A?

**Does the information received relate to the safety, welfare or wellbeing of a child or young person?**

- YES ⇒ The information can be used to: make a decision, assessment or plan; initiate or conduct an investigation; or 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.
- NO ⇒ You cannot use information that does not relate to the safety, welfare or wellbeing of a child or young person.

### 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, 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,

<sup>1</sup> Including the NSW Department of Family and Community Services, Community Services,

<sup>2</sup> 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*.

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

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 parent/carer 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.

## **How should information received under Chapter 16A be handled and stored?**

Information must be handled and stored in a secure way. A written record of exchanges of information under Chapter 16A should be made and stored in a way that is consistent with the existing legislation (including the *State Records Act 1998*, *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Protection Act 2002*).

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

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