

Responding to a request for information about te tamaiti or rangatahi from their parent or guardian

We work with parents and guardians to support the oranga of tamariki and rangatahi. This includes helping parents and guardians access information they need to participate in informed decision making. The Privacy Act 2020, the Care of Children Act 2024 and the Oranga Tamariki Act 1989 enable kaimahi to share information about te tamaiti or rangatahi with parents and guardians under specified circumstances.

When responding to a request we must consider which legislation we are using to share information and our information sharing policy. We balance the oranga of te tamaiti or rangatahi against:

- Oranga Tamariki Act 1989 (s8) Keeping parents and guardians informed
- Privacy Act 2020 (IPP11) Limiting on disclosure of personal information
- Care of Children Act 2004 (s16) Supporting guardians in their legal duties, powers, rights and responsibilities.

★ **Take Note.** A request can be written or verbal and does not need to cite the legislative act the request is being made under. **For all requests we:**

- respond to the request even if we are unable to provide information
- refer the request to the correct team as appropriate, as soon as possible
- notify the requester of our decision to share/not share information or why the request has been forwarded to another team and who they can contact
- record details of the request and rationale for the decision along including the legislation we are using to support any sharing of information and details of any information that we share in CYRAS.

Response pathway: Other information requests

Forward the following to CIR Team (myrequest@ot.govt.nz). Requests from parents/ guardians:

- for information about themselves
- for information about someone other than their tamaiti/rangatahi
- for information acting on behalf of (as a representative for) their tamaiti/rangatahi
- who are outside New Zealand

Consider a Privacy Team consult for (Privacy@ot.govt.nz)

- any request made by a third party (e.g. advocate/support person) on behalf of a parent/guardian
- any request made under the Privacy Act

Forward the following requests to Ministerial Services (ministerial_services@ot.govt.nz)

- Request for non-personal information (e.g. information about policies, strategy)

Consult with line manager or legal to discuss and consider Privacy Team consult:

- the information contains or is likely to contain information about others or that may make others easily identifiable e.g. details like locations, dates, times of events that make it easy to recognise individuals
- it is likely that some information will need to be redacted (i.e. some information will need to be blacked out or covered making it unreadable to protect the privacy or safety of others)
- you have any concerns about releasing the information (i.e. concerns about safety, you are unsure about releasing the information)
- you may not be able to release the information in a timely manner.

Consult line manager or legal representative to confirm decision and discuss the next steps

If we make a decision not to release information we must:

- inform the requester of decision, and provide an explanation for the decision e.g. consent from te tamaiti or rangatahi would be required
- provide information about how they can make a complaint to the Oranga Tamariki Feedback and Complaints teams or to the Office of the Ombudsman or Office of the Privacy Commissioner.
- consider what information they **are** entitled to, and whether they could benefit from making a formal Privacy Act request to our Privacy Team.

★ **Take Note:** Consent can be complicated and may in some situations require legal consideration and advice. Fourteen is often treated as the approximate age (depending on capacity, understanding and other factors) where a young person can be considered old enough to understand the idea of personal information and consent. Informed consent requires that the person consenting:

- understands and accepts the possible consequences of what they have consented to
- is consenting of their own free will rather than acting under duress.

The Oranga Tamariki Sharing Information policy requires, where it is practicable or appropriate, that we **must** consult with te tamaiti or rangatahi to get their views on releasing information about them and make a record of the rationale if we do not consult with them. We balance the rights of parents and guardians to have information, and the rights of te tamaiti or rangatahi to be informed and have a voice in decision making.

Consult manager or legal representative to discuss concerns and next steps

If we believe there are other reasons that prevent the release of information we must consult with our manager or legal representative before making a decision not to share the information. If we make a decision not to release information we must:

- inform the requester of the decision, provide an explanation of why the information cannot be shared and make a record of the request and details of the decision in a case note on CYRAS
- give the option and information on how to complain if they do not agree with the decision. 46(2)(b) of the Privacy Act

We should also consider what information they **are** entitled to, and whether they could benefit from making a formal Privacy Act request to CIR.

★ **Take Note:** When a decision is made to share information we consider:

- how the information be released safely (e.g. written, email, face to face, korero)
- what will work best for the requester
- whether a summary of the information is more appropriate than a full print out?
- if attachments contained in a emails need to be password protected?

Correcting Information

An individual is entitled to ask that we correct information that is inaccurate in our system. We must on request, or on our own initiative, take such steps (if any) that are reasonable in the circumstances to ensure that, information is accurate, up to date, complete, and not misleading (Principle 7 Privacy Act).

For correction of information consult email feedback@ot.govt.nz

Remember if you are not sure, consult with your line manager or legal representative.

Parent or guardian of te tamaiti or rangatahi makes a request for information.
(If you are unsure that the individual making the request is a guardian see link to below Who can be a guardian?)

Are they requesting information about a tamaiti or rangatahi they are the parent or guardian of?

NO

YES

Is it safe to release the information?
Consider the impact of releasing the information on the privacy and safety of te tamaiti, rangatahi or others e.g. notifiers

NO/UNSURE

YES

Can we answer yes to any of the following?
(Any one of these conditions enables us to share information)

- We hold guardianship orders and are sharing information to allow other guardians to make informed decisions, as per our obligation to act jointly and consult with all other guardians in making decisions that affect te tamaiti or rangatahi wherever practicable (section 16(5) of the Care of Children Act 2004. This could include school reports, health information, updates on progress, care plans etc
- We are sharing for the purposes that we collected the information (e.g., to investigate care and protection concerns and ensure the wellbeing of the young person) as per Principles 10 and 11 of the Privacy Act
- Te tamaiti or rangatahi has given informed consent to the information being shared as per Principle 11 of the Privacy Act.
- We are sharing information about actions or decisions that significantly affect te tamaiti or rangatahi, as per our obligations in section 8 of the Oranga Tamariki Act

NO

YES

Are we satisfied that there are no other reasons that this information should not be released? e.g. consider where and why the information obtained (the requester may need to request medical assessments etc from the provider)

NO/UNSURE

YES

We may release information that is accurate, relevant and up-to-date.

Useful links

Click here: [What being a guardian means.](#)

Click here: [Sharing Information Policy](#)

Click here: [Who can be a guardian?](#)

Click here: [Oranga Tamariki Feedback and Complaints](#)

Click here: [Principle 11 Privacy Act 2020](#)

Click here: [Making a Complaint to the Privacy Commissioner](#)

Click here: [Section 8 Oranga Tamariki Act 1989](#)

Click here: [Making a Complaint to the Ombudsman](#)

Click here: [Section 16\(5\) of the Care of Children Act 2004](#)