

# Confidentiality and Privacy (Child Protection) Policy

## Confidentiality of Information Relating to Child Protection Matters

Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

You must not provide undertakings that are inconsistent with your reporting obligations in the College's Child Protection Program. In particular, you must not promise a student that you will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

## Protection of Reporter's Identity

Reports or referrals made to DHHS Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

## Reporter Liability

A person who makes a Mandatory Report in accordance with the Children, Youth and Families Act 2005 (Vic), or a report under the Child Wellbeing and Safety Act 2005 (Vic) (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

## Protection of Staff's WWCC Status

The College will only be informed of whether an individual passes or fails the WWCC Check. None of the information gathered for the WWCC Check, such as criminal or professional records, will be passed on to Penola Catholic College.

## Protection of Personal Information

How Penola Catholic College handles the information we collect about individuals (referred to in the Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

## Requests for Information

If you receive a request from the Police, the Commission for Children and Young People (CCYP) or DHHS Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse, you should:

- obtain the request for information in writing; and
- ensure that the written request includes:
  - the name of the Police officer, representative of the CCYP or DHHS Child Protection worker, the organisation they work for and their contact details
  - a description of the information and/or documents being sought
  - the reasons why the information and/or documents are being sought
  - what authority the officer/worker or the organisation believes that they have to access the requested information and documents.

When information and/or documents are requested in this way, you may be permitted to share the information. However, **you are not compelled** to do so.

## Information Sharing with the College Community

The College takes great care to assess the relevance and appropriateness of sharing information about a child protection incident before providing any information about child abuse to the College community because even the confirmation of an incident or allegation can lead to the identification of a victim.

## Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to Child Protection Record Keeping.

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From Complispace – current as at July 2020