

# Sharing to protect a child or young person's wellbeing and safety

This section provides guidance on how to share information under the Oranga Tamariki Act 1989.

**If you believe a child or young person is in immediate danger, call the Police on 111.**

## Raising or reporting concerns

If you believe that a child or young person has been or is likely to be harmed, ill-treated, abused, neglected, or deprived or you have concerns about the wellbeing of a child or young person, section 15 permits you to share information about your concerns directly with Oranga Tamariki or the Police.

**When you make a Report of Concern in good faith you are protected from civil, criminal or disciplinary proceedings.**

You can discuss and share your concerns with Oranga Tamariki by calling 0508 326 459 or by emailing [contact@ot.govt.nz](mailto:contact@ot.govt.nz).

## When you are required to share (section 66)

Section 66 enables Oranga Tamariki or Police to require any agency or individual to provide relevant information if that information is required:  
to determine whether the child or young person needs care or protection or assistance, or  
for any proceedings under Part 2 of the Oranga Tamariki Act (including a Family Group Conference).



When you receive a section 66 request from Oranga Tamariki or Police you **must** provide the information specified in the request (unless the information is covered by legal professional privilege). You do not need to consult the child or young person (or their parents, legal guardian or caregiver) before you provide the information requested.

If you are unsure whether the request is a section 66 request, or what the purpose of the request is, you should ask the requestor for this information before you share the information with them.

**Under the Privacy Act, you can share personal information when you are required to do so by law e.g. responding to a section 66 request for information.**

## **When you want or are asked to share (section 66C)**

Section 66C of the Oranga Tamariki Act permits the sharing of information about a child or young person for specified wellbeing and safety purposes.

Under section 66C you can proactively share information, or you can share information in response to a request.

**Sharing information under section 66C is broader than sharing safety concerns about a child or young person through a report of concern with Oranga Tamariki or Police. Section 66C provides for the sharing of information to support the wellbeing of children, young people and their family as early as possible.**

## **Who you can share with**

Section 66C of the Oranga Tamariki Act permits Child Welfare and Protection Agencies (CWPAs) or Independent Persons to share information about a child or



young person with other CWPAs or Independent Persons for specified wellbeing and safety purposes.

Child Welfare and Protection Agencies (CWPAs) are a group of organisations, and therefore their employees, or volunteers including:

- Any social, family and community service that provides services under section 396 of the Oranga Tamariki Act
- Any person, body or organisation that provides regulated services under schedule 1 of the Children's Act 2014.
- Housing New Zealand Corporation
- Ministry of Education, schools and early childhood education services
- Ministry of Health, Health NZ and health providers
- Ministry of Justice
- Department of Corrections
- Ministry of Social Development
- Oranga Tamariki – Ministry for Children
- New Zealand Police.

Independent Persons are professionals or people including:

- A practitioner under the Health Practitioners Competence Assurance Act 2003 who provides health or disability support services.
- A Children's Worker (under section 23(1) of the Children's Act).
- A person or class of persons designated as an independent person by regulations made under section 447(1)(ga)(ii) of the Oranga Tamariki Act.

Read more information about who section 66C applies to in Appendix One of [Information-sharing-Guidance-OT-Act-1989.pdf](#).



**If you want to share information with an agency or person that is not a CWPA or Independent Person, you may be able to share information with them under the Privacy Act.**

## **The purposes for which you can share**

Section 66C enables information about a child or young person to be shared for specified purposes, including:

- preventing harm or neglect to a child or young person
- for Family Group Conferences and other Care and Protection work
- making, carrying out, or reviewing a risk assessment, needs assessment, prevention plan or support plan for a child or young person
- external services facilitated by Oranga Tamariki for a child or young person and their family or whānau.

**Section 66C enables sharing between any CWPA and/or Independent Persons e.g. between a ECE service and a non-government organisation (NGO) that provides services to children and young people, between a healthcare provider and a social worker, between a counsellor and a school.**

If you receive a section 66C request for information and the purpose of the request is unclear, you should clarify the request with the requestor. If you are unsure why the information is being requested, you won't be able to determine whether one of the purposes set out in section 66C applies, or what information may be relevant to share with the requestor.

## **What does wellbeing and safety mean in practice?**

Wellbeing of a child or young person includes:

- strong positive whānau relationships



- spiritual and cultural connections
- having their developmental needs met and supported – education, behaviour, life skills and self-care skills
- emotional resilience and support
- social and peer groups that are supportive, caring and positive,
- physical and mental wellness
- security – being safe from harm, living in a safe community, having a warm dry home, having enough food.

Safety concerns include:

- physical, emotional, sexual abuse, deprivation, neglect, and ill-treatment
- situations where parents or caregivers aren't willing or able to care for the child, where a child is subject to family harm (including where they are exposed to it)
- and where the development of a child or their physical, mental or emotional wellbeing is likely to be impaired or neglected in a way that is avoidable.

**Not all wellbeing issues will be safety issues, but if there is a safety concern, a child or young person's wellbeing will be affected.**

**Where you have concerns about a child or young person's safety you should make a report of concern to Oranga Tamariki or the Police.**

## **What information is relevant?**

You can share information that you believe is relevant to help achieve one or more of the purposes set out in section 66C. Deciding what information is relevant will often be a judgement call and depend on the circumstances of each situation.

Things to consider when deciding whether information is relevant include:



- your knowledge of the child or young person and their circumstances including information about:
  - the child or young person themselves
  - their home environment
  - their needs, aspirations, strengths
  - challenges they are experiencing (financial pressures, housing, family harm, health, access to education and learning difficulties)
  - support they have or are receiving – what worked well, what didn't work well and why
  - information about other people they have a relationship with such as their parents, wider family and whānau, teachers, doctors, sports coaches.
- the person making the request, the purpose for which they are requesting the information and what they will be able to do with the information to support the child or young person
- the age of the information – older information may be out of date and therefore less relevant to the current circumstances or needs of the child or young person.
- the context of the information – could the information be misinterpreted by the recipient without additional context?

There aren't any limits on who the information can be about. You can share information about a child or young person, their family or other people they have a relationship with if you believe it is relevant to protecting their wellbeing or keeping them safe.

**If you are unsure whether information you hold may be relevant, talk to the requestor or the person you want to share the information with. Together you may be able to identify what information is relevant in the circumstances.**



## Consent to share is not required

You **do not** need to obtain the consent of the child or young person (or their parents or legal guardian where appropriate) to share their information under section 66C.

## Requirement to consult with the child or young person

The Oranga Tamariki Act (section 66K) requires you **to consult** with the child or young person either before, or as soon as possible after, you share their information where it is practicable or appropriate to do so. Where a child or young person is very young or may not be able to understand why you want to share their information, you should consult with their parents or legal guardian if it is appropriate and safe to do so.

This ensures that the child or young person is aware that their information is being shared, with whom, and what that person is going to do with their information. It also gives them the ability to share any concerns they may have about their information being shared.

You are required to consider their views before you share their information. While you can still share information if they strongly disagree, if their concerns relate to their wellbeing or safety, you should consider whether sharing the information with the requestor is in the child or young person's best interests at that time. You may need to advise the requestor of the wellbeing or safety concerns the child or young person has raised to ensure the sharing of the information doesn't place the child or young person at risk of further harm.

Examples of when it may not be practicable or appropriate to consult with a child or young person include:



- they are not developmentally able to understand (remember even young children can understand sharing information if you talk to them in an age-appropriate way)
- it might put them or someone else at risk of harm
- it might distress or upset them, or have a negative impact on their wellbeing
- it could get in the way of a Police investigation or prosecution
- you need to share information quickly because tamariki might be harmed otherwise
- after making reasonable efforts you, or another professional, can't get in touch with them, and you still think sharing is important to protect tamariki from harm.

You should always record the reasons why you decided not to consult with the child or young person.

### **Sharing information about multiple children or young people**

When sharing information about multiple children or young people (e.g. sharing datasets or sharing information at multi-agency meetings), you are still required to consult with each individual child or young person prior to sharing their information where it is practicable or appropriate to do so.

Just like when sharing information about a single child or young person, whether it is impracticable or inappropriate to consult should be considered when you are developing the dataset or setting up your multi-agency meeting. For multi-agency meetings, each meeting participant will need to determine whether it is impracticable or inappropriate to consult with the child or young person.





You should always record the reasons why you decided not to consult with the child or young person when sharing datasets or sharing their information at multi-agency meetings.

## Sharing information in good faith

Sharing information under section 66C requires you to make a judgement call. Every circumstance will be different – in some cases you might decide to share, in others you might not. When you are under pressure, and a child or young person may be at risk, making these judgement calls can feel overwhelming.

The Oranga Tamariki Act provides protection from civil, criminal and disciplinary proceedings when you share information under section 66C unless you have shared in bad faith. Bad faith includes sharing information when you know you shouldn't.

Acting in good faith means you have:

- made your best effort to share in line with the relevant statutory provisions
- checked that the information you intend to share is relevant, accurate, up to date complete and not misleading
- undertaken measures to ensure the information is shared safely with the right person in the right role
- consulted with the child or young person (or their parents/legal guardian/caregiver) if it is safe and appropriate to do so.

Read more information about sharing in the factsheet: [Sharing information in good faith under the Oranga Tamariki Act 1989](#).

**You are protected from civil, criminal and disciplinary proceedings if you have shared information under section 66C unless you have shared in bad faith.**



## Confidentiality obligations

Obligations of confidence protect information deemed to be confidential from unauthorised access and disclosure. However, obligations of confidence are subject to exceptions which include situations where a child or young person's wellbeing or safety is at risk.

You can consider sharing confidential information when sharing information under section 66C. However, you will need to ensure that:

- you are sharing for a purpose set out in section 66C
- the confidential information is relevant to that purpose
- you have consulted with the child or young person before you share their information.

Your professional code of ethics, industry code of conduct or employment agreement will set out what information is considered confidential, under what circumstances that information may be shared and what you need to advise the child or young person when you are collecting their information.

**When advising a child or young person (or their parents where appropriate) that specific information, or categories of information, will be kept confidential you should always clearly inform them of the exceptions to that confidentiality i.e. the circumstances in which you may share that information.**

## When the requirements of section 66C aren't met

If you determine that the requirements of section 66C have not been met, you can consider whether one of the following applies in the circumstances:

- [section 20 of the Family Violence Act 2018](#)
- [a Privacy Act IPP 11 exception.](#)



## Keep good records

It is good practice to keep good records of your information sharing activities.

At a minimum you should record:

- the request you received and from whom (including receipt and response date)
- any additional information you requested from the requestor
- your decision whether, or not, to share the information requested
- the specified purpose for which you shared the information
- whether you consulted with the child or young person, any views they shared with you, or the reasons why you didn't consult them
- the information that you shared.

An easy way to do this is to create an Information Sharing Register. This can be as simple as an excel spreadsheet. Registers will contain personal information, and in some cases sensitive information. It is important to keep your Register secure and limit access to only those that need to have access.

## How does the Privacy Act 2020 apply to sharing under the Oranga Tamariki Act?

Section 66 and 66C authorise the sharing of personal information for specific purposes related to the wellbeing and safety of children and young people. This means that you don't need to rely on one of the exceptions to Information Privacy Principle (IPP) 11 to share the information with another CWPA or Independent Person.

However, section 66Q requires you to comply with Information Privacy Principles (IPPs) 1, 4, 5, 6, 7, 8, 9 and 13 in the Privacy Act.



In practice, this means when you are **sharing** information under section 66C of the Oranga Tamariki Act, you must also ensure you:

- share information in a safe and secure way and protect it from unauthorised access, use and disclosure (IPP 5)
- have taken reasonable steps to ensure the information is accurate, up to date, relevant, complete and not misleading information (IPP 8)
- are mindful about sharing unique identifiers.

When you are **receiving** information requested or provided under section 66C of the Oranga Tamariki Act, you must also ensure you:

- are requesting the information necessary for a lawful purpose of your agency (IPP 1)
- receive the information:
  - in a manner that is fair and not unreasonably intrusive on the child or young person's personal affairs (IPP 4)
  - in a safe and secure way and protect it from unauthorised access, use and disclosure (IPP 5)
  - only retain the information for as long as it is necessary to do so (IPP 9).

Children and their representatives have the right to request access to and correction of their personal information under IPP 6 and 7. If you correct personal information or attach a statement of correction to personal information that is also information that you have shared under the Oranga Tamariki Act, you must, so far as is reasonably practicable, inform that CWPA or Independent Person of the correction.



## Practical Examples

The following examples work through the application of section 66C of the Oranga Tamariki Act.



### Example – ECE Service and Oranga Tamariki social worker

An ECE service manager receives an email request from a social worker working for a Non-Government Organisation (NGO) that provides support services to families in need. The social worker states that the request is being made under section 66C of the Oranga Tamariki Act.

The social worker is requesting information about a 3-year-old who is enrolled at the ECE service. The information requested includes parent contact details, attendance records, and any behaviour related incident reports over the last 12 months. The social worker advises that the information is required to complete a needs assessment and identify appropriate supports for the child.

#### Can the ECE service manager share the information with the social worker?

To use section 66C both parties must be a Child Welfare and Protection Agency (CWPA) or an Independent Person. The ECE service is a CWPA but should confirm with the social worker that either the NGO they work for is a CWPA or they are an Independent Person.

Information can be shared if the information will be used for one of the purposes set out in section 66C. In this case, the social worker has stated the information will be used to complete a needs assessment for the child, which is a purpose under section 66C.



The ECE service manager should ensure that the information they share with the social worker is relevant to purpose of completing a needs assessment and is accurate and up to date. The social worker has requested information covering the last 12 months. If there is older information that the manager believes is relevant to the needs assessment, they can share that information also. If the manager is unsure whether the older information is relevant, they could contact the social worker and talk to them.

The ECE service manager doesn't need the consent of the child's parents to share the information, but they must consult with the child (unless it is not practical or appropriate to do so). At 3 years old, the child is too young to understand the request and share their views. As such, the ECE service manager should consider consulting with the child's parents if it is practical and appropriate to do so.

While section 66C provides the legal authority to share the information, the ECE service manager must still comply with IPP 5 (security and storage) and IPP 8 (accuracy) when considering what and how to share the information requested. The ECE service manager should record the request, the date of the request, the information they shared with the social worker, and the views of the child's parents if it was practical and appropriate to consult with them.



### **Example – multi-agency meeting to support wellbeing and safety of children and young people**

A group of government agencies and local non-government organisations want to meet on a regular basis to discuss children and young people in their local area that are not attending school regularly. The purpose of the meeting is to identify appropriate supports for learners with complex needs and their family and whānau to reengage them with education.



### Can the meeting participants share information?

To use section 66C all meeting participants must be a Child Welfare and Protection Agency (CWPA) or an Independent Person (IP). The organiser of the multi-agency meeting should check that the intended meeting participants are from a Child Welfare and Protection Agency or an Independent Person before they are invited to the meeting.

Information can be shared for one of the purposes set out in section 66C. In this case, the purpose of the meeting is to share information to enable the meeting participants to undertake an in-depth needs assessment to identify appropriate support and who is best placed to provide that support to the child and their family and whānau. Sharing for the purposes of undertaking a needs or risk assessment is one of the purposes of section 66C.

Meeting participants do not need to obtain the consent of the child, young person or their parents but they must consult with the child or young person before they share their information with other CWPAs or IPs attending the meeting (unless it is not practical or appropriate to do so).

In this case, the meeting participants could decide it is not practical to consult as they would need to dedicate significant resource to consulting with each child and young person (or their parent) which would be direct resources away from their primary function of providing services. Meeting participants consulting with each child prior to sharing relevant information they hold about the child would also likely result in children and young people being contacted by multiple different agencies. Instead, each agency should make sure their privacy policies are up to date and include an explanation that individuals' personal information may be shared with relevant agencies for risk or needs assessments. Where multi-agency meetings are ongoing, a decision not to consult should also be regularly reviewed.





While section 66C provides the legal authority to share the information, the meeting participants must still comply with other relevant IPPs when considering what and how to share the information between agencies. For example, they must consider how to manage the information they have received, which will be subject to IPP 1 and 4 (lawful purpose for collection, necessity, method of collection), IPP 5 (security and storage), IPP 6 and 7 (access and correction rights), IPP 8 (accuracy), IPP 9 (how long they will retain the information) and IPP 13 (unique identifiers).

For regular multi-agency meetings, we recommend creating an Information Sharing Protocol that sets out the purpose of the meetings, what information can be shared at the meeting, and how that information will be used by the meeting participants. The agreement can also set out the methods by which the information will be shared and how it will be kept safe and secure. This ensures personal information about children and young people is shared in a way that is privacy protective.

Read more information about information sharing to support multi-agency meetings:  
[Sharing information at multi-agency meetings | NZ Digital government.](#)



### **Example – Healthcare practitioner and social housing provider**

A General Practitioner (GP) is treating a six-year-old child with on-going respiratory concerns. The child and their family currently live in emergency housing. The GP is concerned that the child's living conditions may be contributing to their health issues. Can the GP request housing information from a social housing provider?

The GP is an Independent Person. The social housing services being provided to the young person is a regulated service (Schedule 1 of the Children's Act) which means the social housing provider is child welfare and protection agency. Therefore, the GP





and the social housing provider can share information under section 66C of the Oranga Tamariki Act.

Information can be shared between the GP and the social housing provider for one of the purposes set out in section 66C. In this case, the GP can request, and the social housing provider can consider sharing, relevant information to enable the GP to complete a risk or needs assessment – an assessment of what factors, including environmental factors, are contributing to the child's on-going health issues.

Before disclosing the information, the social housing provider contacts the child's parent to seek their views on disclosure, as the child is too young to understand the request. The parent wants to get to the bottom of their child's health issues and is happy for the information to be shared with the GP.

While section 66C provides the legal authority to share the information, the social housing provider must still comply with IPP 5 (security and storage) and IPP 8 (accuracy) when considering what and how to share the information with the GP. The GP will also need to consider how to manage the information they have received, which will be subject to IPP 1 and 4 (lawful purpose for collection, necessity, method of collection), IPP 5 (security and storage), IPP 6 and 7 (access and correction rights), IPP 8 (accuracy), IPP 9 (how long they will retain the information) and IPP 13 (unique identifiers).



### **Example – Police and youth mentoring service**

A young person has been receiving support from a youth mentoring service. The young person was referred to the mentoring service after some low-level offending in the community. The young person meets with their mentor on a regular basis.



Together they focus on developing positive relationships and setting education and career goals.

A local constable has been involved with the young person and is aware they are receiving mentoring support. One day the constable sees the young person hanging around with a group of youth known to associate with a gang. The constable is concerned that this association may indicate the young person is returning to prior anti-social behaviours and may require additional supports.

### **Can the constable share information with the young person's mentor?**

Police is a child welfare and protection agency, and the mentoring service being provided to the young person is a regulated service (Schedule 1 of the Children's Act). Therefore, both the constable and the mentor are child welfare and protection agencies and can share information under section 66C of the Oranga Tamariki Act. Information can be shared between the constable and the mentor for one of the purposes set out in section 66C. In this case, if the constable reasonably believes that sharing the information with the young person's mentor will assist the mentor to prevent or reduce the risk of harm to the young person or assist the mentor in undertaking or updating a needs or risk assessment, then they can share the information under section 66C.

The constable consults with the young person about sharing their information with the young person's mentor, and the young person tells the constable that they do not want their information shared. The constable considers their views but ultimately decides it is in the young person's best interests to inform the mentor to ensure they are being supported. They record this decision and disclose the information.

While section 66C provides the legal authority to share the information, the constable must still comply with IPP 5 (security and storage) and IPP 8 (accuracy) when



considering what and how to share the information with the young person's mentor. That mentor will also need to consider how to manage the information they have received, which will be subject to IPP 1 and 4 (lawful purpose for collection, necessity, method of collection), IPP 5 (security and storage), IPP 6 and 7 (access and correction rights), IPP 8 (accuracy), IPP 9 (retention) and IPP 13 (unique identifiers).

## **Additional Resources**

Read additional guidance on sharing information under the Oranga Tamariki Act: [Information-sharing-Guidance-OT-Act-1989.pdf](#).

