

## About privacy – for carers

The Department of Children, Youth Justice and Multicultural Affairs (the department) collects your personal information to help us support you or someone you care for.

The department is committed to protecting the privacy of your information. We will manage your information in accordance with the *Child Protection Act 1999* (CP Act) and the *Information Privacy Act 2009* (IP Act).

### What is personal information?

*Personal information* is information or opinion about a person, whether true or not, that identifies or could identify them.

It may include:

- date and place of birth
- family information
- medical history
- school records
- child protection information
- criminal history
- financial information
- photographs.

There is more information about the information the department collects in its [Privacy guide](#).

### About your personal information – your rights

#### What personal information will the department collect?

The department can only collect information about you if we need it to do our job. We will not do anything unfair or unlawful when we collect information about you.

For example, we may ask for information so that we can:

- decide whether you should be approved as a carer

- decide whether your carer approval should be renewed
- support you in your role as a carer
- make sure that you are paid properly
- decide whether to place a child with you
- make plans for a child in your care
- give information to a court so it can decide where a child should live, or
- decide whether a child placed with you is being properly cared for.

#### What can the department do with my information?

The department will only use your information for the purpose for which it was collected, unless, for example:

- you agree
- there is a law that says we can
- we need to do so, to protect someone, or
- for law enforcement purposes.

Information that you post in *kicbox* is the child's information and they decide how it will be used and disclosed. The department may use and disclose information you post in *kicbox* if it shows a risk of harm to a child.

We will not disclose your personal information to other people unless, for example:

- you agree
- we told you we would do so
- there is a law that says we can
- it is necessary to protect someone, or
- it is necessary for certain law enforcement purposes.

For example, we might disclose the following information about you:

- your name, address and phone number will usually be given to the child's parents
- your work arrangements and availability may be disclosed as necessary for case planning purposes or to obtain appropriate support services for a child and their family
- when a matter goes to court, we may give information to the Director of Child Protection Litigation (DCPL) so that they

understand the issues

- if a child goes missing, we will give information to police to help them find the child, which may include details about you and your family and where you live
- Blue Card Services may ask for information about child protection history or disciplinary matters involving you
- if you apply to become a registered family day care provider, the Queensland Department of Education may ask for information about you
- if a child who was in your care and is now over 18, asks for information about their time in care we usually give them information about where they lived (e.g. names of carers, addresses where they lived), report cards, health records, and photographs on their file
- Sometimes we engage a company or person to do part of the carer assessment; or to do a Standards of Care review, to ensure that it is handled by someone independent
- Sometimes we give information to another government agency. For example, we give your bank details to the government agency that makes carer payments so that you get paid the right amount at the right time.

When we give your information to someone else, the contract will require them to comply with the IP Act. Also, the people we ask to do those things usually have confidentiality obligations under the CP Act.

### **How can I access or amend my information?**

You can ask for information the department holds about you. Usually you will have to make an application. If the documents contain information which is not about you, you may need to apply under the *Right to Information Act 2009*.

If you think that the information, we have about you is inaccurate, irrelevant, incomplete, out of date or misleading, you may ask us to change the information.

The [department's RTI page](#) tells you how to ask for or amend your personal information.

### **Security**

The department understands that your information is important, and we take steps to protect it and keep it secure. We take this obligation very seriously and we constantly review our security to make sure that the information we hold is properly protected.

All departmental staff must complete regular training, so that they understand their obligations.

### **What can I do if my information has not been managed properly?**

If you think that the department has not handled your information properly, you may be able to make a privacy complaint. Your complaint must:

- be in writing on our [Privacy complaint form](#)
- give details of your complaint, and
- be made within 12 months.

Our [privacy page](#) has information about how to make a privacy complaint.

### **Review of your complaint**

If you are unhappy with the department's response, or you don't receive a response within 45 business days, you can complain to the Office of the Information Commissioner (OIC). [The OIC website](#) tells you how you can do this.

If you are still unhappy, you can ask the OIC to refer your complaint to the Queensland Civil and Administrative Tribunal (QCAT). There is information about that process on [the QCAT website](#).

### **About other's people's information: your responsibilities**

The children in your care have a right to privacy, which includes information privacy.

This is set out in the Charter of Rights for a Child in Care<sup>1</sup>.

There are also confidentiality provisions in the CP Act which limit how you can deal with information you get through your role as a carer.

### Recordkeeping

You must keep clear and accurate records about the children in your care. This includes information about important decisions or actions, including information that is given to you or information you create (e.g. emails you write, photos you take).

This information may be used in case planning, to make decisions about the child's care, or if the matter goes to court. It may also be part of the child's life diary.

### Privacy and confidentiality

You must also respect the privacy of children in your care. Telling a friend or relative that a child is in care, or why they are in care, may upset the child or cause problems for them.

You should only share information if it is necessary for the protection or wellbeing of the child in your care. For example:

- you may tell the child's teacher that the child has experienced family violence, if that will help the teacher to understand something about the child's behaviour or the support, they may need at school
- you may tell the child's doctor or counsellor about what has happened to them, so that they understand and can provide appropriate treatment or counselling.

However, you should not discuss a child's family situation with family and friends just because they want to know.

**Important: Unauthorised use or disclosure of child protection information is an offence which may be punishable by a fine or imprisonment.**

If you are unsure whether you can share information, refer to the [Foster and Kinship Carer Handbook](#)<sup>2</sup> or talk to your child safety officer.

### Social media

You must never publish information that discloses that the child is in care.

Be very careful when using social media. For example, you may post a photo on your Facebook page of your family and the child on an outing, but you must not refer to them as your 'foster child'.

Also, the child you are caring for has a right to privacy and to be treated with dignity and respect. Think about whether you should talk to them and find out their views before you publish a photo or comment on social media. This is particularly important for older children.

For more information, see the department's [Social Media Guidelines](#).

### Security

You must protect information about the child in your care, and make sure that other people cannot access it.

Hard copy records (e.g. report cards, health passport, letters from Child Safety) should be stored in a locked drawer or filing cabinet. Electronic records (e.g. emails), should be stored in a password protected folder on your computer that no one else can access.

When you stop caring for a child, their belongings (including records, such as the child's health passport, education support plan, report cards, photos, the child's life

<sup>1</sup> Charter of rights for a child in care, *Child Protection Act 1999*, schedule 1(f)

<sup>2</sup> Foster and Kinship Carer handbook: Legal matters, pages 89-95

diary, cultural support plan) must be returned to Child Safety.

If you have questions about whether you can share information, talk to your child safety officer.

### **Need more information?**

If you have questions about whether you can share information, talk to your **child safety officer**.

If you have questions or concerns about how the department has handled your personal information, contact the **Information Privacy team** on:

*Phone:* (07) 3097 5609

*Email:* [privacy@cyjma.qld.gov.au](mailto:privacy@cyjma.qld.gov.au)

*Website:* [www.cyjma.qld.gov.au/privacy](http://www.cyjma.qld.gov.au/privacy)

If you want information about how to access or amend your personal information, contact the **Information Access and Amendment team** on:

*Phone:* 1800 809 078 (Free call) or  
(07) 3097 5605

*Fax:* (07) 3097 5606

*Email:* [rti@cyjma.qld.gov.au](mailto:rti@cyjma.qld.gov.au)

*Website:* [Right to Information webpage](#)

*Post:* Department of Children, Youth Justice  
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