

National Redress Scheme

For people who have experienced institutional child sexual abuse

Protected Information Fact sheet

The Department of Social Services, in administering the National Redress Scheme for Institutional Child Sexual Abuse (the Scheme), protects information collected by the Scheme for the purpose of assessing a person's application in accordance with the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Redress Act).

What is 'protected information'?

Protected information is information about a person or institution provided to, or obtained by, the Scheme for the purpose of assessing an application for redress. Examples of protected information include:

- a submitted redress application and information contained within it or any attachments
- the identity of the person applying for redress
- the identity of another person included in the application
- information provided to the Scheme by an institution, and
- information about whether a redress payment has been offered or paid to a redress applicant.

It is an offence to obtain, record, disclose, use, solicit disclosure of, or offer to disclose protected information without authorisation under the Redress Act.

When can protected information be disclosed?

A person can disclose protected information if authorised by the Redress Act, in one or more of the following circumstances:

- for the purposes of the Scheme (for example, to request information from an institution to progress an application)
- with the consent of the person or institution the information is about
- to a person's appointed Redress nominee
- if there is a belief on reasonable grounds that it is necessary to prevent or lessen a serious threat to an individual's life, health or safety, or
- to produce information that does not, directly or indirectly, disclose information about a person or institution (for example, data on the number of applications received by the Scheme).

The Redress Act also includes other authorisations that permit the disclosure of protected information for specific purposes.

What protected information does the Scheme give to an institution?

The Scheme will send a request for information (RFI) to an institution named in an application, or to another institution where it is possible that the institution may have information relevant to progressing an application. The following information is ordinarily sent to an institution when sending an RFI:

- the name and date of birth of the person applying for redress
- a description of the abuse relevant to the institution (Part 2 of the Redress application), and
- if the applicant agrees, information about the impact of the abuse.

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When a decision is made about a person's redress application, the institution(s) will be sent:

- a notice of the Independent Decision Maker's decision, including the reasons for the decision relevant to the institution,
- a notice to let them know if the person accepts, declines, asks for a review of the decision, or has asked for more time to make their decision, and
- if applicable, a notice with the outcome of the review of the redress decision.

What can an institution do with protected information related to me?

An institution may obtain, record, disclose, and use protected information that is provided by the Scheme for the purposes of:

- providing information to the Scheme,
- providing the applicant with a Direct Personal Response,
- facilitating an insurance claim related to the Scheme,
- undertaking an internal investigation and disciplinary procedures,
- the enforcement of the criminal law, and
- the safety and wellbeing of children.

What are 'mandatory reporting' and 'reportable conduct' obligations?

'Mandatory reporting' imposes an obligation on certain professionals who are in contact with children to report suspected child abuse to relevant authorities in their state or territory where they consider a child is at risk of harm.

'Reportable conduct' imposes an obligation to report a person who has or is perpetrating child abuse or child-related sexual misconduct to relevant state and territory authorities.

How does an institution use protected information for these reports?

Protected information may be used by an institution where the information indicates a child may be at risk of harm, or they have identified a person engaging in sexual misconduct against a child. This may trigger 'mandatory reporting' or 'reportable conduct' obligations under the relevant state and territory laws that require a person to report these risks to children to authorities.

What happens after an institution makes these reports?

Where an institution has made a mandatory or reportable conduct report, this may trigger the relevant state or territory authorities to commence their own investigation. For example, the police or a government agency responsible for child protection may take action. This reporting process and any following investigation is separate to the Scheme.

Will a person be notified when an institution uses protected information about them to make these reports?

No. Institutions are not required to let the Scheme or the applicant know when they make mandatory or reportable conduct reports containing protected information.

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Does the Scheme report to the police or child protection authorities?

Yes. The Scheme may disclose protected information to a government institution (for example, the police) if there are reasonable grounds to suspect that the safety or wellbeing of a child is at risk. If the Scheme suspects that a child is at risk, we will ask the applicant if they want to be identified in a Child Safe Report.

In some cases, the relevant state or territory child protection authority or the police may ask the Scheme to assist them in their investigations into a report.

Can an institution use protected information received from the Scheme for an internal investigation?

An institution can use information they receive from the Scheme for an internal investigation or disciplinary procedure. The Scheme does not have oversight or say of how an institution conducts their internal investigations.

Can an institution advise the named perpetrator about the abuse?

Yes. The institution can advise the named perpetrator about the abuse under the Redress Act, where it is reasonably necessary for the institution to undertake an internal investigation and disciplinary procedures or respond to a RFI. For example, if a named perpetrator is still employed by or associated with the institution.

Can an institution engage a third party, for example a lawyer, and share protected information with them?

Yes. An institution may engage and disclose information received from the Scheme to a lawyer to obtain legal advice related to participating in the Scheme, or for the purposes of the Scheme (such as responding to a RFI or providing a direct personal response on behalf of the institution).

Can a person publically disclose that they have received a redress payment and the institution/s that were found responsible for the abuse?

Generally, a person can disclose that they received a redress offer from the Scheme and that they were paid an amount of redress, as this is information about them. Any information about a person's experience of abuse is information about them and they can discuss this how they wish.

A person cannot disclose protected information about the institution that they obtained from the Scheme.

What happens if an institution discloses protected information without authority under the Redress Act?

Any unauthorised disclosure of protected information may be a criminal offence and should be reported to us as soon as possible by calling us on **1800 737 377**.

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What should I do if I need more information on how my information is used under the Redress Act?

You can find more information about the Scheme, and the Scheme's privacy policy on our website www.nationaldress.gov.au/about/privacy, or call us on **1800 737 377**.

Part 4-3 of the Redress Act sets out the Scheme's protected information obligations which are also explained online at [Guides to Social Policy Law, National Redress Guide](#).

You should seek independent legal advice to know your obligations under the Redress Act. Knowmore legal service is a free, confidential and independent legal service. Redress applicants can call knowmore on 1800 605 762.