

## Protected Information Factsheet

The National Redress Scheme is administered by the Department of Social Services (the department). The department protects information collected 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).

### Defining protected information

Protected information is any information about a person or institution that:

- was provided to, or obtained by, the Scheme for the purposes of the Scheme or
- is or was held in the records of the department.

This also includes when no information is held by Department of Social Services or Services Australia. Examples of protected information include:

- information in a redress application
- the identity of the applicant
- the identity of others in the application
- information from an institution
- details of any redress payment offered or paid to an applicant.

It is an offence to share or disclose protected information without authorisation under the [\*Redress Act\*](#). This includes obtaining, recording, using, or offering to share protected information.

When sharing protected information, a person or institution must make sure the recipient is aware of what they can and cannot do with the protected information.

### Sharing of protected information by the Scheme

A person can use or share protected information if authorised by the Redress Act. This may include if a person:

- requests information from an applicant or institution
- asks for more details from an applicant or institution
- has the consent of the person the information is about
- has the consent of the institution involved
- shares with a person's appointed redress nominee
- requires sharing information to prevent a serious threat to someone's life, health, or safety
- shares information or data that does not identify any individual or institution.

# National Redress Scheme

For people who have experienced institutional child sexual abuse

The Scheme Operator may share protected information in certain circumstances including:

- publicly naming institutions which have chosen not to join the Scheme, including
  - institutions named in a redress application
  - institutions believed to be connected to a person's abuse by the Scheme Operator
- informing an applicant their named institution has opted out of the Scheme
- telling an applicant an institution linked to the abuse has chosen not to join the Scheme
- to support an applicant under a financial management order.

The [Redress Act](#) also authorises people, including the Scheme Operator, to obtain, share, use and record protected information for other specific purposes.

## Use of protected information by an applicant

An applicant can share that they got a redress offer from the Scheme and how much they received. They can also talk about their experience of abuse as they choose, including when seeking legal advice.

When you apply for redress, we contact the relevant institution for information. The institution's response may include information that may be unfavourable to your determination for redress. If that happens, you will receive a copy of that information.

We will also send you a Statement of Reasons when a decision is made on your application. This will outline why that decision was made and can include protected information.

You must not share protected information you have received from the Scheme. The exception is when protected information is being shared with a lawyer or Redress Support Service to:

- prepare a response to a letter requesting information the Scheme has issued
- to assist you to complete a redress application
- to assist you in deciding whether to accept an offer of redress.

You should seek independent legal advice if you are unsure about what you can and cannot do with protected information under the Redress Act. [Knowmore Legal Service](#) offers free, confidential and independent legal advice. Redress applicants can call Knowmore on **1800 605 762**.

## Protected information provided to institutions

When you apply for redress, we contact the institution for information relevant to your application. We use a Request for Information (RFI) process for this. This can only happen if the institution is fully or partly participating in the Scheme.

The following information is sent to an institution in 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 consents, information about the impact of the abuse.

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When a decision (also known as a determination) is made about your redress application, the institution will receive:

- a notice of the Independent Decision Maker's decision
- reasons for the decision relevant to the institution
- a notice to inform them if the applicant accepts, declines or requests a review of the decision
- if applicable, a notice with the outcome of the review of the redress decision.

## Use of protected information by an institution

An institution may obtain, record, share, and use protected information from the Scheme when authorised to do so. This may happen when:

- providing information to the Scheme
- providing the applicant with a Direct Personal Response
- facilitating an insurance claim related to the Scheme
- carrying out internal investigations and discipline
- enforcing criminal law and ensuring the safety and wellbeing of children.

Institutions can use protected information for internal inquiries or discipline. They can also share this information within their participating group. The Scheme does not oversee internal investigations. If an institution shares protected information, the recipient must also comply with the Redress Act. The institution must inform the recipient of their obligations for safeguarding that protected information, including what they can and cannot do.

An institution may also share protected information with a lawyer or third party to get legal advice on:

- participating in the Scheme
- responding to a RFI or providing a direct personal response to an applicant.

## Mandatory and reportable conduct obligations

Mandatory reporting laws require people who are in contact with children through their job to report known or suspected child abuse to authorities. These reports must go to the authorities in the state or territory where the child is at risk. Each state and territory have different laws on this. The Scheme Operator is not a mandatory reporter.

Organisations must report anyone who has committed or is committing child abuse or child-related sexual misconduct to authorities. This is called a reportable conduct obligation. It helps keep children and young people safe from harm by workers in organisations. Based on an application's content, the Scheme Operator can report to a government authority.

Participating institutions can share protected information that meets 'mandatory reporting' or 'reportable conduct' rules with authorities. They may share protected information to:

- enforce criminal law
- maintain the safety and wellbeing of children
- investigate and discipline breaches of child safety and wellbeing.

# National Redress Scheme

For people who have experienced institutional child sexual abuse

When information is shared in these reports, they may lead to inquiries by state or territory authorities. This process and any investigations are separate from the Scheme. Institutions do not have to inform the Scheme or the applicant when they make these reports. They can also share protected information with the government if required by law. This includes cases where a child is at risk of harm or someone is found engaging in sexual misconduct against a child.

The Scheme Operator can share protected information to a government authority:

- for the safety and wellbeing of children
- to enforce criminal law.

If there is a suspected risk to a child's safety or wellbeing, the applicant will be asked if they wish to be named in a Child Safe Report.

In some cases, the relevant state or territory authority may request the Scheme's help in investigating a report.

## Reporting disclosure of protected information

Any unauthorised disclosures of protected information may be a crime. Report all incidents to the Scheme as soon as you can by calling **1800 737 377**.

For more details about the Scheme and our privacy policy, visit our website [nationalredress.gov.au/about/privacy](https://nationalredress.gov.au/about/privacy). You can also call us on **1800 737 377**.

Part 4-3 of the Redress Act explains the Scheme's protected information obligations. You can find more details online at [Guides to Social Policy Law, National Redress Guide](#).