

Submission form for the Proactive and Informal Release of Information in the Victorian Public Sector Discussion Paper

About this form

The Office of the Victorian Information Commissioner (**OVIC**) is seeking agencies' views on its discussion paper on proactive and informal release of information in the Victorian Public Sector.

OVIC encourages agencies to use this form when making a submission. This form contains space to provide comments on the questions listed in the discussion paper, and space for other general feedback.

More information on the proactive and informal release discussion paper can be found on OVIC's website www.ovic.vic.gov.au.

Collection of personal information

You are not required to provide any personal information in order to make a submission to OVIC's discussion paper. All fields on this form relating to personal information are optional. Where you choose to provide personal information, OVIC may use it to provide you consolidated feedback on the submissions we receive, seek clarification on your submission or follow up with you where you have indicated you wish to be involved further in OVIC's work. If you choose to provide personal information, we ask that you do not include this information anywhere other than the designated fields on this form.

If you choose to make your submission by email, we may be able to identify you from your email address. If you prefer to remain anonymous, you can post your submission to OVIC.

OVIC will not disclose your personal information without your consent, except where required to do so by law. You may contact OVIC to request access to any personal information you have provided to us by emailing enquiries@ovic.vic.gov.au.

For further information on how OVIC handles personal information, please review our privacy policy [here](#).

Publication of submission

OVIC intends to publish submissions received on the discussion paper but will not do so without prior consent. Please indicate below whether you would like your submission to be made public in full, public with personal information removed, or not made public.

Please indicate below if this submission can be published:

<input checked="" type="checkbox"/>	Publish in full	<input type="checkbox"/>	Publish but do not include personal information	<input type="checkbox"/>	Do not publish
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Information about who is making this submission

All fields below are optional.

Name:	
Email:	

If you are making this submission on behalf of an agency or organisation please identify below.

Agency / Organisation:	Find & Connect
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This submission is made by a:

<input type="checkbox"/>	Public sector agency subject to the FOI Act	<input type="checkbox"/>	Private organisation / Not for profit
<input type="checkbox"/>	Public sector agency outside of Victoria	<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Member of Parliament	<input checked="" type="checkbox"/>	Other

Participating in future work with OVIC

A reason for seeking submissions on the discussion paper is to identify future work for OVIC in relation to the proactive and informal release of information in the Victorian public sector.

Please indicate below if you would be interested in participating in future OVIC work, events, or provide additional information to OVIC regarding proactive and informal release in your agency.

If you are interested in being involved in OVIC's work further, please provide your name and contact details in the fields above so we can contact you.

- I am interested in participating in a future OVIC event (for example, a roundtable discussion on proactive and informal release).
- I am interested in being involved in future OVIC work in relation to proactive and informal release.
- I am willing to provide additional information about my agency's proactive and informal release practices (for example, a proactive and/or informal release policy).

Completing this form

To complete this template, insert your response to individual questions, or provide general comments on proactive and/or informal release in the space provided.

Submitting this form

Submissions must be provided to OVIC by **5pm, Friday 1 May 2020**. You can make a submission by:

- **Emailing** your submission to policyteam@ovic.vic.gov.au
- **Posting** your submission to:
Policy team
Office of the Victorian Information Commissioner
PO Box 24274
Melbourne VIC 3001

Do you have any overall comments on the Proactive and Informal Release of Information in the Victorian Public Sector Discussion Paper?

The Find & Connect web resource (www.findandconnect.gov.au) is funded by the Department of Social Services to document the history of child welfare in Australia. The resource assists people who grew up in out-of-home care, including Forgotten Australians, Former Child Migrants and members of the Stolen Generations, to discover and access information and records about their time in care. It is managed by the Find & Connect web resource team, based at the University of Melbourne.

There were around 500 000 children in care in Australia from 1920 to the 1990s. They generally have only scant details of their childhood, may not know who their parents and family are, have few or no photos from their childhood, and rely on institutional records and archives to fill the blanks of their childhood.

Find & Connect works with those people who spent time in care as children to find and access these critically important records by providing information online (www.findandconnect.gov.au), support through dedicated services in each state & territory, and working with record holders to improve access, which can be a harrowing experience for people who were in care. The contents of these records are highly personal and often profoundly negative. They were created with no thought given to the fact that their subjects may one day read them, and that the children they were created about were often experiencing the emotional impacts of neglect and abuse.

In Victoria, these records are held by a variety of non-government organisations, and also government agencies, most notably the Department of Health and Human Services. Important records about the management and running of homes and institutions are also held by government agencies.

Find & Connect strongly supports informal release for those who spent time in care as children. Informal release goes some way to ensuring that those accessing records about their family and their lives can do so in a way that reduces the trauma associated with records release, and through a less damaging process.

People who grew up in out-of-home care know much less about their childhood than is generally accepted in our community, and are actively prevented from finding out banal details that are often taken for granted - the names of their classmates, school photographs, photographs of their friends and carers. This community has as much right to information about those that were in their lives as children - their friends, carers and families - as every other Australian.

Many in this community still suffer the impacts of childhood trauma, and are currently forced to undertake a highly bureaucratic FOI process to gain access to information that many of us take for granted - school reports, medical histories, even the name of their parents and siblings.

This process is significantly worsened by the application of exemptions under the Freedom of Information Act, particularly where exempt third-party information includes information critically important to them. This information can not only affect the health and wellbeing of the person that was in care, but also that of their family.

We commend to the OVIC's attention the 2015 publication, Access to Records by Forgotten Australians and Former Child Migrants: Access Principles for Records Holders, Best Practice Guidelines in providing access to records, June 2015 (Principles and Guidelines) published by the Department of Social Services (DSS). <https://www.dss.gov.au/families-and-children/programmes-services/family-relationships/find-and-connect-services-and-projects/access-to-records-by-forgotten-australians-and-former-child-migrants-access-principles-for-records-holders-best-practice-guidelines-in-providing-access>.

In particular, the principles of maximum access, which underpin the rest of the document. Maximum access “establishes two basic principles which should guide all Records Holders in determining what records Care Leavers should have access to. These are: Principle 1: Maximum provision of access to records Records Holders will enable maximum information to be available to Forgotten Australians and Former Child Migrants about themselves, their family, identity and connection; circumstances surrounding placement in care; and details of time in care. Principle 2: All information about themselves, and core identifying information about close family”

We also highlight the discussion on pp21-22. FOI exemptions around the release of third-party information prevents people who were in care from discovering basic information, such as the names of people they knew in childhood, or why they are related to. Broadening the definition of what constitutes third-party privacy to include basic information about family members and experiences would lessen the divide between people who spent time in care as children, through no fault of their own, and those of us who grew up in-home, and have access to the ephemera that helps us not only remember, but build a picture of our childhood.

These guidelines provide an alternative record access process which we recommend be used as a model for informal release.

We also commend to OVIC's attention the 2019 publication by the NSW Information Commissioner - Information access guideline 8 <full title> which endorses the DSS guidelines and advocates for the release of Care Leaver information through informal means wherever possible. <https://www.ipc.nsw.gov.au/information-access-guideline-8>

We recommend that OVIC endorse these guidelines, and issue advice similar to that provided by NSW, and welcome the opportunity for further discussion.