# Guideline

## Provision of information to care leavers

### Summary

This document provides guidance on the provision of documents and information held by the Department for Child Protection (DCP) relating to care leavers pursuant to section 153 of the *Children and Young People (Safety) Act 2017* (C&YP (Safety) Act).

### Table 1 - Document details

<table>
<thead>
<tr>
<th><strong>Publication date</strong></th>
<th>15 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File number</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Related legislation</strong></td>
<td>Children &amp; Young People (Safety) Act 2017</td>
</tr>
<tr>
<td><strong>Related policies, procedures, guidelines, standards, frameworks</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Version</strong></td>
<td>1.0</td>
</tr>
<tr>
<td><strong>Replaces</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Policy officer (position)</strong></td>
<td>Supervisor, Freedom of Information</td>
</tr>
<tr>
<td><strong>Policy officer (phone)</strong></td>
<td>8226 4399</td>
</tr>
<tr>
<td><strong>Policy sponsor (position)</strong></td>
<td>Director, Legal Services</td>
</tr>
<tr>
<td><strong>Executive director responsible (position and office)</strong></td>
<td>Director, Legal Services</td>
</tr>
<tr>
<td><strong>Applies to</strong></td>
<td>Everyone</td>
</tr>
<tr>
<td><strong>Key words</strong></td>
<td>Release of information, freedom of information, care leavers</td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Approved</td>
</tr>
<tr>
<td><strong>Approved by</strong></td>
<td>Chief Executive</td>
</tr>
<tr>
<td><strong>Approval date</strong></td>
<td>15 March 2018</td>
</tr>
<tr>
<td><strong>Review date</strong></td>
<td>TBA</td>
</tr>
</tbody>
</table>
Table 2 - Revision record

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Revision description</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 March 2018</td>
<td>1</td>
<td>None</td>
</tr>
</tbody>
</table>
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of Contents</td>
<td>3</td>
</tr>
<tr>
<td>1 Title</td>
<td>4</td>
</tr>
<tr>
<td>2 Purpose and Scope</td>
<td>4</td>
</tr>
<tr>
<td>3 The Application Process</td>
<td>4</td>
</tr>
<tr>
<td>3.1 The Application</td>
<td>4</td>
</tr>
<tr>
<td>3.2 Invalid requests</td>
<td>6</td>
</tr>
<tr>
<td>3.3 Incomplete requests</td>
<td>7</td>
</tr>
<tr>
<td>3.4 Withdrawal of request</td>
<td>7</td>
</tr>
<tr>
<td>4 Processing a valid Request</td>
<td>7</td>
</tr>
<tr>
<td>4.1 General</td>
<td>7</td>
</tr>
<tr>
<td>4.2 Processing times</td>
<td>7</td>
</tr>
<tr>
<td>4.3 Scope of request</td>
<td>8</td>
</tr>
<tr>
<td>4.4 Search of Departmental records (research protocols)</td>
<td>9</td>
</tr>
<tr>
<td>5 The DCP Decision, and provision of documents</td>
<td>10</td>
</tr>
<tr>
<td>5.1 General</td>
<td>10</td>
</tr>
<tr>
<td>5.2 Notification of a decision</td>
<td>10</td>
</tr>
<tr>
<td>5.3 How access is to be provided</td>
<td>10</td>
</tr>
<tr>
<td>5.4 Original documents</td>
<td>10</td>
</tr>
<tr>
<td>5.5 Documents cannot be located or do not exist</td>
<td>11</td>
</tr>
<tr>
<td>5.6 Sensitive information</td>
<td>11</td>
</tr>
<tr>
<td>6 Reasons for refusing to provide documents or information</td>
<td>11</td>
</tr>
<tr>
<td>7 Applicants who are dissatisfied with the processing or outcome of their request</td>
<td>13</td>
</tr>
<tr>
<td>7.1 Complaints</td>
<td>13</td>
</tr>
<tr>
<td>7.2 Internal review by Chief Executive</td>
<td>14</td>
</tr>
<tr>
<td>7.3 External complaints</td>
<td>14</td>
</tr>
<tr>
<td>8 Support to care leavers and other information</td>
<td>14</td>
</tr>
<tr>
<td>9 Roles and responsibilities</td>
<td>15</td>
</tr>
<tr>
<td>Table 2 - Roles and responsibilities</td>
<td>15</td>
</tr>
<tr>
<td>10 Definitions and abbreviations</td>
<td>15</td>
</tr>
<tr>
<td>Table 3 - Definitions and abbreviations</td>
<td>15</td>
</tr>
<tr>
<td>11 References</td>
<td>16</td>
</tr>
<tr>
<td>12 Contact details</td>
<td>16</td>
</tr>
</tbody>
</table>
1 Title

The title of this Guideline is ‘Guideline for the provision of information to care leavers pursuant to section 153 of the Children and Young People (Safety) Act 2017 (C&YP (Safety) Act)’.

2 Purpose and Scope

Section 153 of the C&YP (Safety) Act enables care leavers and relatives of deceased care leavers to access original and copy documents held by DCP that relate to the care leaver. It partially implements recommendation 160 made by the Royal Commission into Child Protection Systems in its report ‘The life they deserve’.

DCP acknowledges the importance to care leavers of family, identity and cultural background. DCP will work collaboratively and respectfully with applicants and support agencies to assist them to obtain relevant documents and information.

This Guideline provides information to care leavers and relatives of deceased care leavers who want to make a Provision of Information Request (―POIR‖) pursuant to s 153 to obtain records relating to the care leaver that are held by DCP. The Guideline should be read in conjunction with sections 153 and 154 of the C&YP (Safety) Act. It provides guidance on:

- who can make a POIR (an application for DCP documents and information);
- how an application for documents and information can be made;
- how applications are processed;
- the circumstances in which DCP may refuse to provide a document or information, or may provide a document in redacted form; and
- the avenues for complaint if an applicant is dissatisfied with the process or the outcome of the application.

3 The Application Process

3.1 The Application

3.1.1 Who can make a POIR (care leaver’s application)

A POIR pursuant to s153 of the C&YP (Safety) Act (“care leaver’s application”) can be made by:

- a person over 18 years of age who, as a child or young person, was provided with out of home care by the Department (“care leaver”);
- a person authorised by a care leaver to make an application; or
- in the case of a care leaver who has died, a grandparent, parent, child or grandchild of the care leaver (“relative”).

3.1.2 Information or documents that can be requested

Care leavers and certain relatives of deceased care leavers can apply for documents and information relating to the care leaver that are held by DCP.
3.1.3 Making an application

To make a POIR (care leaver’s application) pursuant to s153 of the C&YP (Safety) Act, an applicant must either complete a Provision of Information Request (POIR) form (Appendix 1) or make a request in writing stating that the request is made pursuant to the C&YP (Safety) Act. The applicant must lodge the request with the DCP Freedom of Information (FOI) Unit.

The request must provide the following information:

- the applicant’s full name and date of birth;
- proof of identity of the applicant;
- a postal or email address for the applicant;
- a clear description of the information that the applicant wants to obtain;
- in the case of a person authorised by a care leaver to make the application:
  - a dated authorisation form or letter signed by the care leaver; and
  - proof of identity of the care leaver
- in the case of a relative applying for information relating to a deceased care leaver:
  - evidence that the care leaver is deceased; and
  - evidence of the relationship between the applicant relative and the care leaver.

It is preferable that the applicant also provide a contact telephone number and email address in the request, so DCP can easily communicate with the applicant.

3.1.4 Fees and charges

DCP will not charge any fees or make any charge for access to personal information held in DCP records.

3.1.5 Proof of identity

The preferred proof of identity for an applicant is:

- photo identification with a signature (for example, a drivers licence or passport)
- where relevant, evidence of a name change (for example, a marriage certificate)

Where a support agency or agent has previously verified an applicant’s identity, evidence of that verification may be sufficient.

3.1.6 Requests made by a relative of a deceased care leaver

The C&YP (Safety) Act provides that where a prescribed person has died—a grandparent, parent, child or grandchild of the prescribed person can request information relating to the care leaver.

The relative who is making the application must provide evidence that the care leaver is deceased, and proof of the applicant’s relationship with the care leaver. The preferred forms of evidence are copies of:

- a death certificate for the deceased care leaver; and
- birth certificate(s) showing how the applicant is related to the care leaver.

If proof of relationship is not provided, the request is invalid (see section 3.2).
3.1.7 Requests made by a third party on behalf of a care leaver

A care leaver may authorise a person, or a support service, or any other third party to make a care leaver’s application on their behalf. Where a third party makes the application on the care leaver’s behalf, the POIR form must be accompanied by a dated Authorisation form (Appendix 3) or a dated authorisation letter, signed by the care leaver. The third party will be the applicant and must sign p2 of the application form.

Secondly, a care leaver may authorise a third party to act on their behalf in relation to some or all aspects of the application. This authorisation may be provided in a dated Authorisation form (Appendix 3), or in a dated authorisation letter, both of which must be signed by the care leaver. The care leaver may authorise the third party in respect of some but not all matters. For example, the third party may be authorised to receive the documents on behalf of the care leaver but may not be authorised to negotiate the scope or terms of the request.

3.1.7 FOI Applications

Where a person has already made an application seeking access to documents under the Freedom of Information Act 1991 (FOI Act), the same applicant may make a care leaver’s application pursuant to section 153 of the C&YP (Safety) Act. This can be done either by submitting a POIR form, or by making a written request which specifies that the request is made pursuant to the C&YP (Safety) Act.

The applicant may advise DCP that they wish DCP to process the care leaver’s application, and that they no longer wish to proceed with the FOI application. DCP will write to the applicant to confirm that they have advised that they do not wish to proceed with the FOI application.

3.2 Invalid requests

DCP may only provide documents and information pursuant to s 153 of the C&YP (Safety) Act if it has received a valid POIR. A valid POIR is a request which has been:

- made by an ‘eligible applicant’ in respect of a ‘prescribed person’ (see 3.2.1 below);
- made in the manner and form determined by the Chief Executive (see 3.2.2 below); and
- requests information relating to a ‘prescribed person’ that may be held by DCP.

Where possible, DCP will attempt to assist an applicant to make a valid request.

If a request is not valid, DCP will refuse to provide the documents and information requested, and will notify the applicant in writing of the reasons why the request is invalid. DCP will inform the applicant about other potential avenues for requesting the information, such as a Freedom of Information application or the Past Adoption Information Service.

3.2.1 ‘Prescribed person’ and ‘eligible applicant’

Section 153(9) of the C&YP (Safety) Act defines a ‘prescribed person’ and an ‘eligible applicant’ as follows:

prescribed person* means a person of or above the age of 18 years who was, while the person was a child or young person, provided with out of home care or care of a corresponding kind provided under an earlier Act of the State.

eligible applicant, in respect of a prescribed person, means:

(a) the prescribed person; or
(b) a person authorised by the prescribed person to make an application under this section; or

(c) in the case of a prescribed person who has died, a grandparent, parent, child or grandchild of the prescribed person.

*For the purpose of this Guideline, the term ‘care leaver’ has the same meaning as ‘prescribed person’.

3.2.2 Manner and form for request

The Chief Executive has determined that for the purpose of section 153 of the C&YP (Safety) Act, the manner and form for making a care leaver application is that the request:

- must either be made on the POIR Form (see Appendix 1); or be made in writing and state that the request is made pursuant to the C&YP (Safety) Act; and
- must include the information mentioned in paragraph 3.1.3 above.

3.3 Incomplete requests

Where insufficient information is provided in the POIR Form to enable the application to be processed, DCP will notify the applicant in writing that the request is incomplete and that additional information is required. The notice will indicate the information that is required. If an applicant requests assistance, DCP will provide assistance.

The general 30 day processing period, or any other processing period that has been specified in the acknowledgment letter (see 4.2.1 below), will pause from the date that DCP sends the notice requiring further information, and will recommence on the date that a response is received.

DCP will make a decision on the application if it does not receive the requested information within 30 days of the date on which the notice was sent.

3.4 Withdrawal of request

An applicant may choose to withdraw their request, either verbally or in writing, at any time prior to DCP making its written decision. DCP will write to the applicant confirming that the applicant has withdrawn the request. DCP will not proceed to make a decision in relation to the request.

4 Processing a valid Request

4.1 General

When DCP receives a valid POIR (care leaver’s application), a research officer will search for the requested information. A decision maker will decide which documents/information will be released in full, released in part, or refused.

4.2 Processing times

4.2.1 Timeframes

Upon the receipt of a complete, valid request, DCP will send the applicant an acknowledgement letter specifying the timeframe in which DCP anticipates the request will be processed.
DCP will endeavour to process all requests within 30 days. In certain circumstances it may be necessary to extend the time for processing to 60 days. These circumstances will include where additional time is required due to:

- the size and scope of the request;
- the need to undertake further research and archival retrieval; or
- the need to contact the applicant for clarification or to seek further information.

Only the Chief Executive can extend the processing period beyond 60 days. If the Chief Executive extends the processing period beyond 60 days, DCP will give the applicant written notice specifying the period of and reasons for the extended processing time.

4.2.2 Priority of processing

In general requests will be processed in order of the date they are received unless an applicant demonstrates that they require a priority service.

An applicant must submit evidence supporting a request for priority service to DCP with the POIR Form. Circumstances in which a priority service may be provided include:

Medical
- where there is a serious or terminal illness, in which the medical history of the care leaver or a family medical history is required
- where there is a serious psychological/psychiatric illness in which the history of the care leaver is required in order to develop an urgent therapeutic response.

Compassionate
- where the care leaver is elderly
- where the care leaver is homeless

Service provision
- where a birth certificate or other document is required to enable the applicant to access services: for example, to apply for a passport or to gain citizenship in another country.

Legal
- where there is a claim for compensation (and a time limit for lodging an application) requiring information contained in records about the care leaver
- where care leaver records will be provided as evidence in Court

Requests from a relative of a deceased care leaver may be accorded a lower priority than requests from care leavers.

4.3 Scope of request

Where an applicant has requested a large volume of documents, such that an unreasonable amount of time would be required to process the request, the Department may refuse the request. An unreasonable amount of time to process a request is more than 75 hours of work. Processing a request includes locating documents and requesting files, copying, consultation, assessing the documents, preparing the decision notice and compiling the documents for release.

Before the request is refused, a Departmental officer must contact the applicant (either verbally or in writing) to assist them to narrow the scope of the request. If a reduced scope is agreed, the request
will be processed. Once the request has been processed the applicant may lodge another request for further documents or information.

If the applicant does not agree to narrow the scope of the request, DCP will notify the applicant in writing of an intention to refuse the request on the basis that the amount of time required to process the request is unreasonable. The notice will include a breakdown of the work involved, an estimation of how many hours it would take to process the request, and a suggested reduced scope of information and documents to be provided.

The general 30 day timeframe for processing requests, or any other processing period that has been specified in the acknowledgment letter (see 4.2.2 above), will pause from the date that DCP sends a written notice of intention to refuse a request to the applicant and will recommence on the date that DCP and the applicant agree to a reduced scope of requested information and documents.

If the applicant does not agree to narrow the scope of the request within 30 days of the date on which the notice was sent, or does not respond to the notice within 30 days, the Department will refuse the request and will send a decision notice to the applicant.

4.4 Search of Departmental records (research protocols)

When a valid POIR is received, research staff will search for records that come within the scope of the request.

The following systems and databases contain records relating to care leavers. Unless specific information is provided that identifies documents which may be held in other locations, the following systems and databases will be searched using the care leaver’s name and date of birth:

- CIS - Client Information System (child protection database)
- C3MS - Connected Client Case Management System (child protection database)
- SWIC - State Ward Index Cards
- AFIS Pro – Adoption and Family Information Service Pro
- ANTCOD – Aboriginal Native Title Court Order Discovery
- Copernic – Program Records Management System
- Master Adoption Index Cards.

Within the above systems and databases, research officers will search for the following record types that match the scope of the request:

- Departmental physical files
- Youth Justice physical files (until 2012)
- CIS history with remarks and placement history
- C3MS notes and documents
- adoption records
- log books.

Research officers will keep a record of the steps they have taken to locate documents including the systems searched and the search terms used.

It may not be possible to locate all information that relates to a care leaver because of the way in which the information has been stored. For example, the search functions of systems and databases may not identify information about a care leaver which is located on a family member’s file or has been incorrectly filed.
5 The DCP Decision, and provision of documents

5.1 General
A DCP decision maker will assess all of the documents which come within the scope of the request. A decision maker may decide to:

- provide all documents in full ("release in full");
- provide some or all of the documents in a redacted form ("partial release"); or
- refuse all documents in full ("refuse in full").

Where a document is provided to an applicant in redacted form, a code indicating the type of information redacted will be provided to the applicant and explained in the decision notice (see section 6 below).

5.2 Notification of a decision
The decision maker must notify the applicant of the decision in writing.

This decision notice must include the following information:

- the decision
- the date the decision was made
- who made the decision
- a list of each file/record that is within the scope of the request including:
  - the number of pages in each file/record that are in scope
  - whether the file/record has been released in full, partially released, or refused in full
- where a decision maker provides a document in a redacted form, the decision maker will state the redaction code (which provides the reason why the document is not provided in full)
- where a decision maker refuses access to a document, the decision maker will provide the reason for the refusal.
- the applicant’s right to seek review of the decision, including procedures to exercise that right

A copy of the decision notice and all documents that come within the scope of the request will be retained in Departmental records (in both redacted and un-redacted form).

5.3 How access is to be provided
The applicant will be provided with a copy of the released or partially released documents in paper or in electronic (CD or USB) form, depending upon the applicant’s preference.

Each file or record released to the applicant will include a file cover or header detailing what the file or record is.

5.4 Original documents
Where original documents that relate to the prescribed person are located during the processing of a request, they must be provided to the applicant with a colour copy retained in DCP records.

Examples of original documents include but are not limited to:

- original or extracts of birth certificates
- religious certificates
- certificates of achievement
• education and training reports (including school reports)
• correspondence addressed to the care leaver (including from relatives during their time in care)
• passport
• photographs
• drawings and written letters from the care leaver.

5.5 Documents cannot be located or do not exist

Where searches have been conducted and some or all of the documents within the scope of the request cannot be located, Departmental officers may contact the applicant to seek assistance with the search for documents. For example, older care leaver records may be stored in a relative’s file or under alternate names. If further searches are conducted and the documents are not located, the Department will refuse that aspect of the request on the basis that the documents could not be located.

Further, where searches have been conducted and the decision maker is satisfied that some or all of the documents within the scope of the request do not exist or have been destroyed, the Department will refuse this aspect of the request.

5.6 Sensitive information

If DCP forms the opinion that documents or information to be provided to an applicant includes information that is likely to be distressing to the care leaver or applicant, DCP will inform the applicant. It is recommended that care leavers and other applicants requesting information and documents from DCP access support when receiving and reviewing the information and documents.

In accordance with section 153(8) of the C&YP (Safety) Act, if a document that must be provided to an applicant contains information of a medical nature concerning the care leaver; and DCP is of the opinion that disclosure of the information may have an adverse effect on the physical or mental health, or the emotional state, of the care leaver, the Department is not required to give access to the document directly to the applicant. DCP may instead give access to the document to:

(i) a medical practitioner nominated by the care leaver or the applicant; or
(ii) a person or body nominated by the care leaver or the applicant and approved by DCP.

If the DCP decision maker considers that s 153(8)(a) and (b) apply, the decision maker will contact the applicant to negotiate an appropriate party to whom the medical report will be released.

6 Reasons for refusing to provide documents or information

DCP may refuse to provide a document or information, or may provide a document in redacted form, for one or more of the reasons set out below. These reasons are in addition to the reasons provided elsewhere in the Guideline (for example, in sections 3.2, 4.3, and 5.5 of the Guideline).

The redaction of information is the process of removing information from view by blocking out information in the copy of a document provided to the applicant. Where information has been redacted from a document, a code indicating the type of information redacted will be provided. This code will then be explained in the decision notice.
**Code 1 – Documents or information comprising the personal information of third parties**

DCP may refuse to provide a document or information, or may redact a document, if the provision of the document or information would constitute an unreasonable disclosure of the personal information of any person (living or dead).

When deciding whether a disclosure would constitute an unreasonable disclosure the decision maker must give weight to the main objective of s 153 of the CYP (Safety) Act: namely, to enable care leavers to obtain information about themselves, and core identifying information about their close family members. Examples of information which it would be unreasonable to disclose include:

- details of another person who is alleged to have abused, threatened or neglected a child, where the allegation has not been proven
- details of the abuse or neglect of another person: for example, of a sibling or relative
- the medical or psychological information of another person
- the home or work address details of another person.

Secondly, DCP may in any event refuse to provide a document or information, or may redact a document, if the document or information contains or constitutes the personal information of a third party, and the third party has not consented to the disclosure of the document or information.

A person may consent to the disclosure of their personal information, but there is no obligation on DCP to approach the person to seek their consent.

For the purposes of these Guidelines, ‘personal information’ means information or an opinion, whether true or not, relating to a natural person or the affairs of a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion. However, for the purposes of these Guidelines, information such as the name, position and work contact details of an employee of State Government agency is not taken to be the ‘personal information’ of a third party.

**Code 2 – Documents or information Obtained in Confidence**

DCP may refuse to provide a document or information, or may redact a document, where the information or document was provided in confidence, unless the source of the information has consented to the document or information being released to the applicant.

DCP is not required, prior to redacting confidential information, to seek consent from the individual who provided the information in confidence.

**Code 3 – Documents or information affecting law enforcement and public safety**

DCP may refuse to provide a document or information, or may redact a document, if the decision-maker reasonably considers that the provision of the document or information may:

- a) endanger or threaten the life or safety of any person; or
- b) prejudice the fair trial of any person or the impartial adjudication of any case, if there is an ongoing or pending Court matter; or
- c) prejudice the investigation of any contravention or possible contravention of the law, if there is an ongoing or pending investigation; or
- d) endanger the security of any building.

Any decision made on this basis must be accompanied by appropriate justification or evidence set out in the decision notice (if appropriate to do so).

**Code 4 – Documents or information subject to Legal Professional Privilege**

DCP may refuse to provide a document or information, or may redact a document, if it is entitled to claim legal professional privilege over the information or document. Such information or documents
may include, for example, communications between a lawyer (either in-house or external) and DCP, and documents prepared for Court purposes.

A decision-maker must not release any document or information over which DCP is entitled to claim legal professional privilege without the authority of the Chief Executive or the Director, Legal Services.

**Code 5 – Psychometric test materials and data**

DCP may refuse to provide a document or information, or may redact a document, if there are copyright restrictions on the release of psychometric test materials or if the release of psychometric test raw data would breach the Australian Psychological Society Code of Ethics.

**Code 6 – Documents or information provided by other government agencies or organisations**

DCP may refuse to provide a document or information, or may redact a document, if the document contains information provided by multiple government agencies or organisations for child protection related purposes. This includes, for example, Multi-Agency Protection Service ("MAPS") documents.

**Code 7 – Documents or information where disclosure would be substantially unreasonable or there are extraordinary and compelling reasons against disclosure, or disclosure would be contrary to the public interest**

DCP may refuse to provide a document or information, or may redact a document, if the decision maker reasonably considers that release would be substantially unreasonable, and/or that there are compelling or extraordinary reasons not to provide the document or information, and/or that disclosure of the document or information would be contrary to the public interest. Any decision made on this basis must be accompanied by appropriate justification or evidence set out in the decision notice (if appropriate to do so).

**Code 8 – Documents or information the disclosure of which is an offence**

DCP may refuse to provide a document or information, or may redact a document, if disclosure of the information or document would constitute an offence under any Act, either in South Australia or elsewhere in Australia.

**Code 9 – Adoption information**

DCP may refuse to provide a document or information, or may redact a document, if the document or information is a document or information of a type described in section 27 of the Adoption Act 1988 ("adoption information").

If DCP has refused to provide a document or information because it is adoption information, or has redacted a document or information for this reason, DCP will advise the applicant that they may make an application under s 27 of the Adoption Act 1988 to obtain adoption information. The applicant can make an application under s 27 of the Adoption Act 1988 by indicating in the POIR form that they wish to make an application under s 27 of the Adoption Act 1988 to obtain any adoption information held by DCP, or by completing a separate ‘application for adoption information’ form.

7 Applicants who are dissatisfied with the processing or outcome of their request

7.1 Complaints

If DCP does not finalise a request within the timeframe specified in the acknowledgement letter, or the applicant is dissatisfied for some other reason with the process adopted in responding to the request or
with the outcome of the request, the applicant can lodge a complaint with DCP’s Central Complaints Unit. A complaint can be lodged in the following ways:

- Online: https://www.childprotection.sa.gov.au/department/online-complaints-form
- By telephone: 1800 003 305
- In writing to: Central Complaints Unit, Department for Child Protection, GPO Box 1072, Adelaide SA 5001

7.2 Internal review by Chief Executive

Section 154 of the C&YP (Safety) Act provides that an applicant may apply to the Chief Executive for a review of a decision to refuse to provide a document or information, or to provide a document in redacted form.

An application for internal review must be made on the Internal Review form (Appendix 4).

The application must be made within 30 days of the initial decision notice; and must set out the reasons why the applicant disagrees with the decision.

The Chief Executive may confirm, vary or reverse the initial POIR decision. The Chief Executive’s written determination is to be provided to the applicant within 14 days of receipt of the application for review.

If the Chief Executive fails to determine an application for internal review within 14 days after it is received, the Chief Executive will be taken to have confirmed the decision in respect of which review was sought.

7.3 External complaints

The C&YP (Safety) Act does not provide a right to apply for external review of a decision to refuse to provide a document, or to provide a document in redacted form. However an applicant who is aggrieved by the Chief Executive’s internal review decision under section 154 of the C&YP (Safety) Act can make a complaint to Ombudsman SA. The Ombudsman can be contacted as follows:

Telephone: (08) 8226 8699
Toll free: 1800 182 150 (outside metro SA only)
Facsimile: (08) 8226 8602
Email: ombudsman@ombudsman.sa.gov.au

Street address: Level 9, 55 Currie Street, Adelaide SA 5000
Postal address: Ombudsman SA, PO Box 3651, Rundle Mall SA 5000

8 Support to care leavers and other information

Care leavers should be aware of the following:

- It is recommended that care leavers have a person to support them during their search for records about their time in out-of-home care. DCP has prepared a Factsheet setting out information about support services that may be available to assist.

- DCP will not be able to locate records for all care leavers. During the period from 1970 to early 1980, only a small sample of files was retained, with the rest being destroyed. Unfortunately
there was little recognition in the past of the significance of these records to the people to whom they related.

- The language used in past Departmental records reflects the attitudes of Australian society at the time that the records were made. Today, some of this language is considered to be inappropriate. Its use in past records is not intended to cause offence or distress.

- Information held in Departmental records contains views expressed by Departmental staff, medical professionals and other government and non-government organisations. Much of the information is opinion based and should be treated as such. When applying for information it should be remembered that the information may only provide one version of events.

9 Roles and responsibilities

Table 2 - Roles and responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Authority/responsibility for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental Research Officer</td>
<td>Undertakes thorough research to locate documents and information that comes within the scope of the POIR</td>
</tr>
<tr>
<td>Decision Maker</td>
<td>To make decisions in accordance with section 153 C&amp;YP (Safety) Act and this Guideline on whether access is to be granted in full, in part or refused in relation to a POIR. When required, to negotiate the scope and timeframe of a POIR.</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>To determine the manner in which an application for access can be made To undertake reviews of decisions made under section 153 or C&amp;YP (Safety) Act when required pursuant to section 154 of C&amp;YP (Safety) Act</td>
</tr>
</tbody>
</table>

10 Definitions and abbreviations

Table 3 - Definitions and abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Chief Executive, Department for Child Protection</td>
</tr>
<tr>
<td>C&amp;YP (Safety) Act</td>
<td>Children and Young Person (Safety) Act 2017</td>
</tr>
<tr>
<td>DCP</td>
<td>Department for Child Protection</td>
</tr>
</tbody>
</table>
### Term | Meaning
--- | ---
Decision Maker | A DCP employee holding the following position title; Senior Freedom of Information Officer or; Supervisor, Freedom of Information, Victims of Crime or; Manager, Customer Services Unit or; Director, Legal Services.

#### 11 References
- This Guideline should be read in conjunction with Sections 153 and 154 of the Children and Young People (Safety) Act 2017
- *Freedom of Information Act 1991*
- *Adoption Act 1988*

#### 12 Contact details
For assistance with making an application or for any enquiries regarding access to DCP records, please contact:

The FOI Team:

**Telephone**: 8226 4399  
**Email**: DCP.FOI@sa.gov.au

**Postal Address**
Department for Child Protection  
GPO Box 1072  
Adelaide SA 5001
Appendix 1 – POIR Form, care leaver’s application

PROVISION OF INFORMATION TO CARE LEAVERS
Pursuant to section 153 of the Children and Young People (Safety) Act 2017
Care leaver’s application

DETAILS OF APPLICANT

Title (Mr/Mrs/Ms/Miss): 
Given Names: 
Surname: 
Previous Names (AKA): 
Postal Address: 
Postcode: 
Contact number: (Home) 
(Mobile) 
Email: 

DETAILS OF REQUEST

I am seeking access to the following categories of documents (please tick all that apply):

☐ State ward index cards
  Shows placement history and admission details to homes and institutions. They can also include comments and remarks about the child’s progress in care as well as medical and health information.

☐ Court orders and application (including annexures)
  Includes information and supporting documentation directly related to the removal of the child, for example, the court application to the Youth Court and affidavits in support of the application. The annexures can also include social background reports, assessments and other reports relevant to the court application.

☐ Case plans and Annual reviews
  Periodic reports relating to the child’s progress in care including life domains, decision-making and future recommendations for the child’s social, emotional and physical wellbeing.

☐ Intakes and Notification of abuse or neglect
  Reports made to the department about suspected child abuse.

☐ Access/Family contact plan information
  Generated for the purpose of recording all accesses with birth family. Family contact plans are documents containing information relating to the child’s contact with their family. This can include information about family identity, relationships within the family and expectations of family contact.

☐ Medical and Psychological records, reports and assessments
  Include information regarding physical, emotional and psychological health.

☐ Educational records and reports
  Include school reports, education programs including achievements, information and assessments around educational progress including learning strengths and/or plans in place to assist the child in any areas of educational need.

☐ Juvenile justice information
  Documents comprise of court orders, bail agreements and other court documents relating to juvenile offending. This also includes information about secure care and progress in training centres, assessment reports and community service orders and case notes. (DCP only holds records up until 2012. For records after 2012 you will need to apply to the Department for Communities and Social Inclusion)

☐ Case notes and case summaries
  Entries made onto continuation sheets and/or databases regarding the day to day activities of the social worker in relation to case managing the child. Case summaries are documents outlining case history and direction, including consultations undertaken and outcomes of decisions made.

☐ Placement information / alternative care documents
  Provide important information about placement history for the child and recommendations about alternative care that is in the child’s best interest.
PROVISION OF INFORMATION TO CARE LEAVERS
Pursuant to section 153 of the Children and Young People (Safety) Act 2017
Care leaver’s application

DETAILS OF REQUEST CONTINUED...

Unless there is some reason in the guideline why it should not do so, DCP must provide a copy of the following documents if held in departmental records:

- Birth certificate
- Religious certificates
- Certificates of achievement
- Correspondence addressed to the prescribed person
- Education and training reports
- Passport
- Photographs

Section 153(3)(b) provides that a prescribed person can also request other information held in DCP records:
(Please provide a clear description of the information you are requesting. If you are uncertain about the information that DCP may hold about you, please contact us to discuss.)

Other documents required (Please specify):

ADOPTION INFORMATION

If the documents or information that you have requested in this form include adoption information, DCP may refuse to provide the document or information, or may redact the document, because it is adoption information. If this occurs you may make an application under s 27 of the Adoption Act 1988 to obtain adoption information. You can make such an application by indicating below that you want to do so.

☐ If the documents or information that I have requested contain adoption information, I wish to apply under s 27 of the Adoption Act 1988 to obtain that information.

FORM OF ACCESS

I would prefer to access my documents in the following format (please tick one of these):

☐ Paper copy of the documents to my postal address
☐ Electronic copy (USB or CD-ROM) of the documents sent to my postal address
☐ Copies of the documents sent to my email address

APPLICANT SIGNATURE

*I declare that the information provided is true and correct to the best of my knowledge, and is not false or misleading information.

Signed: __________________________ Date: ____________

CONTACT DETAILS

Please send your completed application, supporting identification and documents to:

Freedom of Information Team
Department for Child Protection
GPO Box 1072
ADELAIDE SA 5001

Or email to: DCP.FOI@sa.gov.au
Website: www.childprotection.sa.gov.au
Phone: (08) 8226 4399
PROVISION OF INFORMATION TO CARE LEAVERS
APPLICATION CHECKLIST

Application for your personal records

☐ Signed application form

☐ Please provide photocopied identification that has a current address and signature — such as one or more of the following —
  • Drivers Licence
  • Proof of age card
  • Health Care / Centrelink card
  • Passport

☐ If applicable — proof of any changes of name (for example, through marriage)

Application for another person’s records

☐ All documents as described above plus the following —

☐ Written consent from Family member(s)

(You may wish to request a consent form from our office. The consent form will need to be completed and signed by the relevant family member whose information you are requesting. This form once completed provides your family member’s consent to allow us to release information about them to you.)

☐ If the family member is deceased, one of the following:
  • Death certificate
  • Death notice from a newspaper

☐ Proof of relationship with the relevant family member (next of kin). This requires documentation showing a clear link between them and yourself and may include:
  • Family member’s birth certificate
  • Marriage Certificates / Change of Name Certificate if family member has changed names
  • Death certificate

Please send your application with ALL supporting documents.

If all supporting documents are not lodged with your request, then your application may be invalid/incomplete.

Please contact the Freedom of Information Team if you have any queries on: (08) 8226 4399 or DCP.FOI@sa.gov.au
Appendix 2 – POIR Form, access to deceased care leaver records

PROVISION OF INFORMATION TO CARE LEAVERS

Pursuant to section 153 of the Children and Young People (Safety) Act 2017

Request to access deceased care leaver’s records

DETAILS OF APPLICANT

<table>
<thead>
<tr>
<th>Title (Mr/Mrs/Ms/Miss):</th>
<th>Date of Birth:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Names:</td>
<td>Surname:</td>
</tr>
<tr>
<td>Previous Names (AKA):</td>
<td></td>
</tr>
<tr>
<td>Postal Address:</td>
<td>Postcode:</td>
</tr>
<tr>
<td>Contact number (Home)</td>
<td>(Mobile)</td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
</tbody>
</table>

Relationship to deceased care leaver:

Details of care leaver:

<table>
<thead>
<tr>
<th>Title (Mr/Mrs/Ms/Miss):</th>
<th>Date of Birth:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Names:</td>
<td>Surname:</td>
</tr>
<tr>
<td>Previous Names (AKA):</td>
<td></td>
</tr>
</tbody>
</table>

DETAILS OF REQUEST

I request the following:

(Please provide a clear description of the information you are requesting. If you are uncertain about the information DCP may hold, please contact us to discuss.)
PROVISION OF INFORMATION TO CARE LEAVERS

Pursuant to section 153 of the Children and Young People (Safety) Act 2017
Request to access deceased care leaver’s records

AGENT INFORMATION & CONSENT (Optional)

Please complete this section if you would like to make an application through a support agent. Attached to this form is an authority to release and exchange information should you wish for your agent to act on your behalf.

My nominated agent is: ______________________ Contact person: ______________________
Postal Address: ______________________ Postcode: ______________________
Contact number: ______________________ Email: ______________________

FORM OF ACCESS

I would prefer to access my documents in the following format (please tick one of these):

☐ Paper copy of the documents to my postal address  ☐ Electronic copy (USB or CD-ROM) of the documents sent to my postal address

☐ Copies of the documents sent to my email address

APPLICANT SIGNATURE

* I declare that the information provided is true and correct to the best of my knowledge, and is not false or misleading information.

Signed: ______________________ Date: ______________________

CONTACT DETAILS

Please send your completed application, supporting identification and documents to:

Freedom of Information Team
Department for Child Protection
GPO Box 1072
ADELAIDE SA 5001

Or email to: DCP.FOI@sa.gov.au

Website: www.childprotection.sa.gov.au
Phone: (08) 8225 4399
AUTHORITY TO RELEASE AND EXCHANGE INFORMATION (CONSENT)

APPLICANT DETAILS

I (name): ________________________________ Date of Birth: ________________________________

Of (address): ________________________________

Provide consent for the Department for Child Protection to access and exchange information about me with the following services/person:

________________________________________

I give consent for the agent listed above to (please tick):

☐ If required, negotiate a scope on my behalf

☐ Discuss my personal information

☐ Receive correspondence / documents on my behalf

☐ Negotiate a withdrawal or transfer of my application

I understand I have the right to withdraw this consent at any time by advising the Department for Child Protection either verbally or in writing.

APPLICANT SIGNATURE

Signed: ________________________________ Date: ________________________________

Name: ________________________________

(please print name in full)
PROVISION OF INFORMATION TO CARE LEAVERS
APPLICATION CHECKLIST

Request for records

☐ Signed application form

☐ Please provide photocopied identification that has a current address and signature – such as one or more of the following –

- Drivers Licence
- Proof of age card
- Health Care / Centrelink card
- Passport

☐ If applicable – proof of any changes of name (for example, through marriage)

☐ Written consent from Family member(s)

(You may wish to request a consent form from our office. The consent form will need to be completed and signed by the relevant family member whose information you are requesting. This form once completed provides your family member’s consent to allow us to release information about them to you.)

Section 153(9)(c) specifies access to a deceased care leaver’s records can be granted to; a grandparent, parent, child or grandchild.

☐ Proof of relationship to a deceased care leaver is required, this involves documentation showing a clear link between them and yourself and may include:

- Death certificate
- Death notice from a newspaper
- Family member’s birth certificate
- Marriage Certificates / Change of Name Certificate if family member has changed names
- Death certificate

Please send your application with ALL supporting documents.

If all supporting documents are not lodged with your request, then your application may be invalid/incomplete.

Please contact the Freedom of Information Team if you have any queries on: (08) 8226 4399 or DCP.FOI@sa.gov.au
Appendix 3 – Authorisation form

AUTHORITY FOR A THIRD PARTY TO MAKE A
POIR APPLICATION AND OTHER MATTERS

APPLICANT DETAILS

I (name): ____________________________ Date of Birth: ____________________________

Of (address): ____________________________

Provide consent for the Department for Child Protection to access and exchange information about me with the following services/person:


I give consent for the agent listed above to (please tick):

☐ Make a POIR (Care Leaver’s application) on my behalf

☐ Discuss my personal information

☐ Negotiate a withdrawal or transfer of my application

☐ If required, negotiate a scope on my behalf

☐ Receive correspondence / documents on my behalf

I understand I have the right to withdraw this consent at any time by advising the Department for Child Protection either verbally or in writing.

CARE LEAVER SIGNATURE

Signed: ____________________________ Date: ____________________________

Name: ____________________________ (please print name in full)
INTERNAL REVIEW by the CHIEF EXECUTIVE
Pursuant to section 154 of the Children and Young People (Safety) Act 2017

DETAILS OF APPLICANT

Title (Mr/Mrs/Ms/Miss): ____________________________ Date of Birth: ____________________________

Given Names: ____________________________ Surname: ____________________________

Previous Names (AKA): ____________________________

Postal Address: ____________________________ Postcode: ____________________________

Contact number: (Home) ____________________________ (Mobile) ____________________________

Email: ____________________________

DETAILS OF INTERNAL REVIEW REQUEST

Reference Number: ________
(This can be found at the top of your acknowledgement/original decision notice)

• Applications for internal review must be made within 30 days of the making of the decision.

• Application for internal review must include a grievance, detailing the reason why they disagree with the Release of Information decision.

(Please specify):

• Upon review, the Chief Executive may confirm, vary or reverse the initial decision. A written notice of the Chief Executive's review will be provided within 14 days of the application for Internal Review.

• If the Chief Executive fails to determine an application made under this section within 14 days after it is received, the Chief Executive will be taken to have confirmed the decision in respect of which review is sought.

Please turn over →
INTERNAL REVIEW by the CHIEF EXECUTIVE
Pursuant to section 154 of the Children and Young People (Safety) Act 2017

APPLICANT SIGNATURE

* I declare that the information provided is true and correct to the best of my knowledge, and is not false or misleading information.

Signed: ___________________________ Date: ____________

CONTACT DETAILS

Please send your completed application, supporting identification and documents to:

Freedom of Information Team
Department for Child Protection
GPO Box 1072
ADELAIDE SA 5001

Or email to: DCP.FOI@sa.gov.au
Website: www.childprotection.sa.gov.au
Phone: (08) 8226 4399