

23 MAY 2018

Mr Zane Collins

[fyi-request-7528-759a0fe9@requests.fyi.org.nz](mailto:fyi-request-7528-759a0fe9@requests.fyi.org.nz)



**ORANGA  
TAMARIKI**  
Ministry for Children

Dear Mr Collins

Thank you for your email of 27 March 2018 to Oranga Tamariki—Ministry for Children (Oranga Tamariki) requesting the following information under the Official Information Act 1982 (the Act):

- *the manual or guidelines of the Joint protocol sharing personal information between Oranga Tamariki and NZ police.*
  - *Specifically about the S133 & S132 reports under the COCA 2004 which often are requested by NZ family court.*
- *Who is allowed to read these information and the restrictions of publications of these information and*
- *how the personal information are maintained according to the privacy act 1993.*
- *Also the consistency report*

I will address each part of your request separately.

- *the manual or guidelines of the Joint protocol sharing personal information between Oranga Tamariki and NZ police. Specifically about the S133 & S132 reports under the COCA 2004 which often are requested by NZ family court.*

The Care of Children Act 2004 (COCA 2004) is administered by the Ministry of Justice. Under COCA 2004, section 133 reports are specialist reports requested by the Court. These are reports from professionals, such as psychiatrists and psychologists, but can also involve cultural assessments. These are provided directly to the Court by the requested professionals. Oranga Tamariki does not have involvement with these reports.

Under COCA 2004, section 132 reports are reports provided by Oranga Tamariki; these are completed by a social worker to assist the Judge in Family Court proceedings. The focus of the section 132 report is determined by the brief from the Judge presiding over the case; in some cases a Police history check is specified as required. There is no standard template.

When Police history is required for a section 132 report, Oranga Tamariki requests information from the Police via the New Zealand Police Vetting Service (the Vetting Service). Information is shared according to the requirements of the Vetting Service

Approved Agency Agreement (AAA), which governs the sharing of information held by the Police with approved agencies. It is important to note the vetting process is consent based.

The AAA is available on the New Zealand Police website at the following link and therefore I am refusing this part of your request under section 18(d), as the information is publicly available.

<http://www.police.govt.nz/about-us/publication/approved-agency-agreement-aaa?nondesktop>

- *Who is allowed to read these information and the restrictions of publications of these information and*

Once the Family Court receives the report from Oranga Tamariki, it is considered to be the property of the Court. The Court decides who has access to the report and the information within it.

Oranga Tamariki manages storage and security of, and access to, section 132 reports in accordance with the information privacy principles of the Privacy Act 1993. An electronic copy of the section 132 report is held in the personal files of the child or children who are involved in the proceedings on the Oranga Tamariki case recording system, Children Youth Residences Adoption Services (CYRAS).

Specific Oranga Tamariki staff can access CYRAS. Our Code of Conduct underscores the Privacy Act principles by explicitly stating the expectations around accessing information. The following is a direct excerpt from the Code of Conduct.

#### **"Accessing information**

Each of us must take care to ensure Ministry and client information is only accessible to authorised people for authorised use.

Make sure you always observe people's right to privacy when you are dealing with their personal information.

- You must only access client information or records for legitimate work purposes.
- You must not access your own record or the record of a friend, relative, colleague or acquaintance for any reason, even if the person asks you to.
- Accessing information also includes processing actions on records. You must not undertake any processing action within your own record or the record of any current or former client, including your own record if you're a current or former client of the Ministry, without a legitimate business reason – even if you're just interested or browsing.

This applies to any information we hold in any form. If you are not sure whether it is appropriate for you to access information, always check with your manager first.

### **Misuse of information**

If you are found to have misused or falsified Ministry information, formal disciplinary action will be taken, which may include dismissal.

The Ministry has a zero tolerance policy for the misuse of personal information.

Any staff member found to have sold or given client information to someone without proper authority will be dismissed and the matter will be referred to police.

Any staff member found to have released or distributed information of a sensitive or confidential nature without proper authority will be dismissed.

You can find more information about this on our intranet."

- *how the personal information are maintained according to the privacy act 1993.*

Information held by Oranga Tamariki is maintained in line with the Privacy Act 1993 and the Official Information Act 1982. Our policy on the recording of personal information by Oranga Tamariki staff specific to social work can be found on the Practice Centre at the following link:

<https://practice.orangatamariki.govt.nz/policy/recording/>

Otherwise, as noted above, information is maintained in line with the Privacy Act principles, which you can find at the following link.

<http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM297038.html>

- *Also the consistency report*

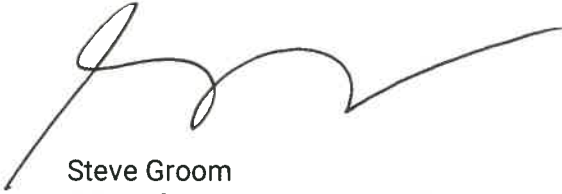
Consistency reports have not been identified in Oranga Tamariki and so I am refusing this part of your request under section 18(e) the information does not exist.

Oranga Tamariki intends to make the information contained in this letter and any attached documents available to the wider public shortly. We will do this by publishing this letter and attachments on our website. Your personal details will be deleted and we will not publish any information that would identify you as the person who requested the information.

If this information does not answer your request, or you wish to discuss this response, please contact us at [OIA\\_Requests@ot.govt.nz](mailto:OIA_Requests@ot.govt.nz). We would be happy to help you to clarify your request if there is information that you are still seeking.

If you are not satisfied with this response about section 132 and 133 reports, you have the right to ask an Ombudsman to review this decision. Information about this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by contacting them on 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Steve Groom', written in a cursive style.

Steve Groom  
**General Manager Public, Ministerial and Executive Services**