

Privacy and information sharing

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Today, I will cover:

- What is privacy? A brief overview of the Privacy Act 2020
- Information disclosure – sharing information in the social sector
- IPP3A – recent changes to the Privacy Act when you collect personal information indirectly



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If you remember nothing else from this presentation, remember this:

- You can and should share personal information to keep children and young people safe. Safety trumps privacy.
- The Office of the Privacy Commissioner has heaps of guidance at www.privacy.org.nz to support you to do this



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The Information Privacy Principles



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Collecting Personal Information

IPP

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- 01 Only collect information you **need**

 - 02 Get it **directly** from the person where possible

 - 03 Be **open** about what you are going to do with it (when you collect it **directly**)

 - 03A Be **open** about what you are going to do with it (when you collect it **indirectly**)

 - 04 Be **fair** about how you collect it

Holding Personal Information

IPP

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|-----------|--|
| 05 | Keep the information secure |
| 06 | Let people access their own information |
| 07 | Correct the information if it's wrong |
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Using and Disclosing Personal Information

IPP

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- | | |
|-----------|---|
| 08 | Make sure it is accurate before using it |
| 09 | Only retain it for as long as you need it |
| 10 | Only use it for the reason it was collected |
| 11 | Only disclose it for the reason it was collected |
| 12 | Only send it overseas if it will be protected |
| 13 | Only use unique identifiers when permitted |
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Sharing information

Have to disclose?
Want to disclose?
Have been asked to disclose?

Many of the questions you asked were about:

- How does the Privacy Act interact with other legislation?
- How can we share information safely? How much information should we share in different circumstances?
- What do we do in multi-agency meetings?
- Responding to access requests made on behalf of children

These guidance links address many of your questions in greater detail than I can today

- [Guidance about multi-agency meetings: sharing information about children and young people](#)
- [Information sharing to protect the wellbeing and safety of children and young people](#)
- [Sharing personal information \(general\)](#)
- [Legal Framework Decision Tree](#)
- [Responding to requests for a child or young person's personal information](#)
- [Clare Ruru Privacy Week webinar, Friday 15 May 12pm-1pm](#)
- June's Kai & Kōrero



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Sharing information

All agencies need to have disclosure processes



- Identify situations where you are legally required to disclose information
- If you are considering disclosure, you need to consider whether another law specifically permits disclosure in that case
- If no other law applies, information can only be disclosed if an exception in IPP11 or Rule 11 of the Health Information Privacy Code applies

If another law says you **must** share, you must share! That law is your legal authority – you don't need to worry about IPP11.

If another law says you **may** share, you can use your discretion about whether to share. That law is your legal authority – you don't need to worry about IPP11.

Reporting of child abuse

15 Reporting of concerns to chief executive or constable

Any person who believes that a child or young person has been, or is likely to be, harmed, ill-treated, abused, (whether physically, emotionally, or sexually), neglected, or deprived, or who has concerns about the well-being of a child or young person, may report the matter to the chief executive or a constable.

Section 15: replaced, on 1 July 2019, by [section 18](#) of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 15, Oranga Tamariki Act 1989

Sharing and using information to protect children

Oranga Tamariki Act 1989 (section 66C)

- Introduced voluntary information sharing provisions
- Broader than just Oranga Tamariki and Police
- Child Welfare and Protection Agencies and Independent Persons
- Focus on wellbeing and prevention not just safety crisis management
- Sharing upon request, and sharing proactively
- No consent required, but you **MUST** consult before sharing unless not practicable or appropriate to do so
- Permits sharing and use, but other IPPs like lawful purpose and data minimisation, access and correction, accuracy, security, and retention still apply
- You are protected if you share in good faith

66C Use and disclosure of personal information relating to child or young person or classes of children or young persons

A child welfare and protection agency or an independent person that holds information relating to a child or young person or any class of children or young persons (including information contained in a dataset) may, irrespective of the purpose for which that information was collected,—

- (a) use that information for the purposes of—
 - (i) preventing or reducing the risk of a child or young person being subject to harm, ill-treatment, abuse, neglect, or deprivation; or
 - (ii) making or contributing to an assessment of risk or need in relation to a child or young person, or any class of children or young persons; or
 - (iii) making, contributing to, or monitoring any support plan for a child or young person, where the plan relates to the activities and functions of the department; or
 - (iv) preparing, implementing, or reviewing any prevention plan or strategy issued by the department; or
 - (v) arranging, providing, or reviewing services facilitated by the department for a child or young person and their family or whānau; or
 - (vi) carrying out any function in relation to family group conferences, children or young persons in care, or other functions relating to care or protection under this Part; or
- (b) disclose (whether on request or on the agency's or independent person's own initiative) that information to another child welfare and protection agency or an independent person if the agency or independent person disclosing the information reasonably believes that disclosing the information will assist the agency or independent person receiving the information to carry out any of the purposes described in paragraph (a).

Section 66C: inserted, on 1 July 2019, by section 41 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

66K Consultation to be undertaken when information is requested or proposed to be disclosed under section 66C or 66H

If a child welfare and protection agency or an independent person proposes to disclose information under section 66C, or an authorised child welfare and protection agency or an authorised independent person proposes to disclose information under section 66H, the agency or person must, if it is practicable and appropriate to do so,—

- (a) inform the child or young person concerned, or their representative, about the proposed disclosure, including the purposes and likely recipients of any disclosure; and
- (b) provide the child or young person or their representative any reasonable assistance necessary to—
 - (i) understand the nature of the proposed disclosure; and
 - (ii) express their views about the proposed disclosure; and
 - (iii) understand the consequences of the decision that is taken in relation to the disclosure; and
- (c) take into account any view expressed about the proposed disclosure before deciding whether to disclose the information.

66Q Relationship with other enactments

- (1) Sections 66 to 66P do not—
 - (a) affect the Official Information Act 1982; or
 - (b) limit or prevent the collection, use, or disclosure of information that is—
 - (i) authorised or required under any other enactment; or
 - (ii) permitted under any other enactment.
- (2) The collection, storage, and use of information under sections 66 to 66J of this Act must comply with principles 1, 4, 5, 6, 7, 8, 9, and 13 set out in section 22 of the Privacy Act 2020.
- (3) Sections 66 to 66P do not limit principles 11 and 12 set out in section 22 of the Privacy Act 2020 (which permit certain disclosures in addition to those authorised under those sections).
- (4) However, if there is any other inconsistency between sections 66 to 66P of this Act and any provisions of the Privacy Act 2020, sections 66 to 66P prevail.

Sharing and using information to protect children

Family Violence Act 2018 (section 20)

- Introduced voluntary information sharing provisions specifically for people (including children) experiencing family harm (victims and perpetrators)
- Sharing between family violence agencies and social services practitioners
- Guiding principles on disclosure – protection of victims takes priority including over IPP 11 and 12 limitations
- Permits sharing and use but other IPPs like lawful purpose and data minimisation, access and correction, accuracy, security, and retention still apply
- Duty to consider sharing
- Consent is not required, no consultation required (like s66C)
- You are protected if you share in good faith.

Information requests, use, and disclosure

20 Authorisations for agencies and practitioners

Information requests

- (1) A family violence agency or social services practitioner may request personal information about a victim or perpetrator of family violence from any, or from another, family violence agency or social services practitioner, to use or disclose for all or any of the following purposes:
 - (a) to make, or contribute to, a family violence risk or need assessment;
 - (b) to make, or contribute to the making or carrying out of, a decision or plan that is related to, or that arises from or responds to, family violence;
 - (c) to help ensure that a victim is protected from family violence.

Information use and disclosure

- (2) The rest of this section applies to a holder agency or practitioner.
- (3) The holder agency or practitioner may use the personal information for all or any of the purposes in subsection (1)(a) to (c).
- (4) The holder agency or practitioner may disclose the personal information to a recipient agency or practitioner—
 - (a) if the holder agency or practitioner believes on reasonable grounds that the disclosure will or may help the recipient agency or practitioner to use the personal information for all or any of the purposes specified in subsection (1)(a) to (c); and
 - (b) after, or without, receiving from the recipient agency or practitioner a request to disclose personal information to the recipient agency or practitioner for use for all or any of those purposes.

21 Principle guiding decisions whether to disclose

- (1) This section applies to a holder agency or practitioner that, or who, is deciding whether or not to disclose information under [section 20](#) (which authorises, but does not require, a decision that information be made available).
- (2) The holder agency or practitioner must have regard to the principle that helping to ensure that a victim is protected from family violence should usually take precedence over both—
 - (a) any applicable duty to keep the information confidential; and
 - (b) any applicable limit under information privacy principle 11 or 12 in [section 22 of the Privacy Act 2020](#) on disclosure of the information.

23 Relationship with other enactments

- (1) [Section 20](#) does not affect or limit court information being able to be accessed by, disclosed to, or shared with a family violence agency or social services practitioner only as authorised by or under—
 - (a) [section 236](#) or [237](#) of the District Court Act 2016; or
 - (b) [section 173](#) or [174](#) of the Senior Courts Act 2016; or
 - (c) any other enactment.
- (2) [Section 20](#) does not affect or limit any collection, use, or disclosure of the information authorised or required by or under the Privacy Act 2020 or any other enactment.

24 Duty to consider information disclosure

A holder agency or practitioner must consider disclosing personal information about a victim or perpetrator of family violence under [section 20](#) to a recipient agency or practitioner if the holder agency or practitioner—

- (a) believes on reasonable grounds that disclosure to the recipient agency or practitioner will or may help ensure that a victim is protected from family violence; or
- (b) receives from the recipient agency or practitioner a request to disclose personal information of that kind or description to the recipient agency or practitioner for use for all or any of the purposes specified in [section 20\(1\)\(a\) to \(c\)](#).

Sharing and using information to protect children

Legal Frameworks Overview

Legislation	Oranga Tamariki Act 1989 Read our guidance.	Family Violence Act 2018 Read our guidance.	Privacy Act 2020 Read our guidance.
When	When there are wellbeing or safety concerns about a child or young person.	When a child or young person or their family is subject to family violence.	When the Oranga Tamariki Act or Family Violence Act don't apply.
For what purpose	<p>You are required to share under section 66 by Oranga Tamariki or the NZ Police.</p> <p>You can share information for one of the purposes set out in section 66C. For example:</p> <ul style="list-style-type: none"> •preventing or reducing the risk of harm, ill treatment, abuse, neglect or deprivation •making or contributing to a needs or risk assessment. 	<p>You have a duty to consider sharing under section 24 to help ensure a victim is protected from family violence.</p> <p>You can share information for one of the purposes set out in section 20. For example:</p> <ul style="list-style-type: none"> •to make or contribute to a needs or risk assessment •to make, or contribute to the making or carrying out of, a decision or plan that is related to, or that arises from or responds to, family violence: to help ensure that a victim is protected from family violence. 	<p>You can share information about the child or young person if you believe on reasonable grounds that one of the Information Privacy Principle (IPP) 11 exceptions apply.</p> <p>For example:</p> <ul style="list-style-type: none"> •preventing or lessening a serious threat •law enforcement •child or young person authorises the sharing.
Who	Child Welfare and Protection Agencies and Independent Persons can share information with each other.	Family Violence Agencies and Social Sector Practitioners can share information with each other.	The agency or person you are sharing information with should be someone who can use the information to keep the child or young person safe.
What	Information about a child or young person that is relevant to one or more of the purposes in section 66C.	Information about a child or young person that is relevant to one or more of the purposes in section 20.	Accurate, relevant and up to date personal information that is relevant to the IPP 11 exception being relied on.
How	<p>You are protected unless you share in bad faith.</p> <p>You do not need consent of the child or young person (or their parents where appropriate) to share information if one of the purposes apply.</p> <p>You are required to consult with the child or young person before you share where it is practical and safe to do so.</p>	<p>You are protected unless you share in bad faith.</p> <p>You do not need the consent of the child or young person (or their parents where appropriate) to share their information if one of the purposes apply.</p> <p>You have a duty to consider sharing information.</p>	You do not need the consent of the child or young person (or their parents where appropriate) to share their information if one of the IPP 11 exceptions apply

Multi-agency meetings: sharing information about children and young people [Print](#) | [Email this page](#)

Sharing information is a major part of how we work together effectively across government to provide children and young people with the services and supports that they need.

On this page:

- [What is a multi-agency meeting](#)
- [Sharing information at multi-agency meetings](#)
- [How to develop a multi-agency meeting protocol](#)
- [Information sharing protocol template](#)
- [Approving information sharing protocols](#)
- [Managing information sharing protocols](#)
- [Information for attending agency and organisation representatives](#)
- [Glossary](#)

 [Download a PDF of the guidance on this page \(PDF, 507KB\).](#)

[Download the Information sharing protocol template \(docx, 744KB\).](#)

Information sharing is a critically important activity for government – it's something that happens every day. We cannot simply function in artificial silos created by our organisational structures. Agencies and organisations need to work together to provide appropriate and timely services and supports for children, young people and their families.

That means making sure that relevant information is available to the right people at the right time in the right way.

Of course, if we do not get our privacy thinking right, we can cause real harm. Failing to think things through properly also compromises our ability to achieve the outcomes that we're aiming for. None of that is acceptable.

That's why specific legislation (e.g. Privacy Act 2020, Oranga Tamariki Act 1989 and Family Violence Act 2018) provides a variety of ways for agencies to share information about children and young people safely and respectfully.



<https://www.privacy.org.nz/resources-and-learning/a-z-topics/protecting-children-and-young-peoples-privacy/multi-agency-meetings-sharing-information-about-children-and-young-people/>

- (d) that the disclosure of the information is necessary to prevent or lessen a serious threat to—
- (i) public health or public safety; or
 - (ii) the life or health of the individual concerned or another individual; or

**IPP11(1)(f)(ii) of the Privacy Act
Rule 11(2)(d)(ii) of the HIPC**

Serious threat to life or health

Final thoughts on disclosure: the key thing to remember!

Safety trumps privacy every time. If you are concerned about the immediate safety of a person, you can always share information about your concern with somebody you believe will be able to help the person who is in danger.

IPP3A came into force on 1 May 2026

If you collect personal information about someone indirectly, you need to tell them

There are multiple exceptions.

Don't panic – think about what personal information you collect indirectly and why, then have a look at your privacy policy to see if it's covered.

<https://www.privacy.org.nz/resources-and-learning/a-z-topics/ipp3a/>



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Find out more

Resources

- Poupou matatapu
- Case notes
- Free e-Learning modules
- www.privacy.org.nz



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Thank you – any questions?

