

## APPENDIX C. CONFIDENTIALITY AND LEGAL PROTECTION

The identity of the person making a report to the Department of Communities, Child Protection and Family Support (CPFS) is protected and can only be released:

- for the purpose of CPFS assessment;
- for investigative purposes by a police officer
- with the written permission of the reporter;
- for the purposes of court protection proceedings; and/or
- by an application under the Freedom of Information Act 1992.

Where there is suspected or alleged abuse or misconduct, staff must not disclose or make use of the information in a manner that breaches confidentiality under Sections 23 and 129 of *the Children and Community Services Act 2004* and s242 of the *School Education Act 1999*.

Professional confidentiality is protected when staff provide information in the best interests of the child regarding concerns or beliefs of child abuse to the Department of Communities, Child Protection and Family Support (CPFS) staff or other prescribed authorities who are directly involved in responding, investigating or supporting the child. This protection does not extend to discussion or disclosure of information to other parties who are not directly involved.

If information is disclosed, in good faith:

- no civil or criminal liability is incurred in respect of the disclosure;
- the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and
- the disclosure is not to be regarded as a breach of professional ethics, standards or any principles of conduct applicable to the person's employment, or as unprofessional conduct.