

15 November 2021

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 18 October 2021 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982:

- *Are you able to please advise the NZ legislation regarding the protection of those reporting concerns for child abuse and neglect? i.e. Will the identity of the notifier be kept confidential from other service providers and parents if the Minister conducts an investigation as a result of a notification.*

Section 16 of the Oranga Tamariki Act 1989 refers to the legal protection that is afforded to notifiers when notifications are made in good faith. Protection from civil, criminal, and disciplinary proceedings is explicitly mandated. If a notification has been made in bad faith for malicious reasons, this protection does not apply.

With regards to anonymity all reasonable endeavours will be made to maintain confidentiality, but this is subject to the provisions of the Privacy Act 2020.

There is not a statutory provision within the Oranga Tamariki Act that guarantees the notifier will be kept confidential if they supply their name to us. If they wish to remain truly anonymous, they have the option not to give us their name or any contact details.

If notifiers do give their name, it is our policy to offer confidentiality but when confidentiality is requested, we inform them that while we will make all legal and reasonable endeavours to respect that confidentiality in terms of the Privacy Act disclosure may be necessary pursuant to Information Privacy Principle 11 within that Act.

There are several circumstances where we may be obliged to break that confidentiality to support legal and statutory processes including the conduct of court proceedings and the maintenance of the law.

Please find at the link below, the Oranga Tamariki Act and refer to Section 16 for information about the reporting of a concern.

<https://www.legislation.govt.nz/act/public/1989/0024/latest/whole.html>

Please find at the link below, the Privacy Act and refer to Section 22 which contains Information Privacy Principle 11.

<https://www.legislation.govt.nz/public/2020/0031/latest/whole.html>

Further information about making a report of concern to Oranga Tamariki can be found at the three links below.

www.orangatamariki.govt.nz/worried-about-a-child-tell-us/

www.safeguardingchildren.org.nz/worried-about-a-child/

www.police.govt.nz/faq/i-suspect-a-child-is-being-abused-what-should-i-do

Oranga Tamariki intends to make the information contained in this letter available to the wider public shortly. We will do this by publishing this letter 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 you wish to discuss this response with us, please feel free to contact OIA_Requests@ot.govt.nz.

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at www.ombudsman.parliament.nz or by contacting them on 0800 802 602.

Nāku noa, nā



Steve Groom
General Manager Public, Ministerial and Executive Services