

**Our Ref: 15/173**

FOI Act, s41

Dear FOI Act, s41

I refer to your application under the *Freedom of Information Act 1989* (FOI Act), received by the Community Services Directorate on 5 January 2015 in which you requested the following information:

*"I request all material held by DHCS and any other related or involved agency or provider including FirstPoint and the contracted provider(s) of the Youth Emergency Accommodation Network (YEAN), eg salvation Army, pertaining and/or related to:*

- A. *The **number** of persons under court, correctional services, drug/alcohol/substance testing, gambling or any other order who have resided at Chisholm YEAN since operations commenced.*
- B. *The **number** of persons since Chisholm YEAN operations commenced who have resided at the Chisholm YEAN for longer than one year.*
- C. *The **number** of persons since Chisholm YEAN operations commenced who have been exited from the Chisholm YEAN for breaching the conditions of residency (for example, drug/alcohol use, criminal activity, obtaining placement dishonestly, breaching curfew, non-compliance, etc)."*

#### **Decision**

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the FOI Act.

The Directorate has investigated all avenues thoroughly relating to your request seeking statistical data information relating to the Youth Emergency Accommodation Network (YEAN) at Chisholm. I can now inform you that the data you are seeking is not held by the Directorate.

### Freedom of Information Act – Right to Access

As a general rule, the right created under the FOI Act is a right of access to documents, rather than information as such. This means that the FOI Act does not generally require an agency to make available information which is not in its possession in documentary form e.g. names and addresses not in agency's document or the personal knowledge of officers which has not been included in a document.

Under the FOI Act, the definition of document is as follows:

*"in relation to an agency, means a document in the possession of the agency, whether created in the agency or received in the agency".*

### FOI scope

I will address each of the three points you have requested in scope as follows:

A: The number of persons under court, correctional services, drug/alcohol/substance testing, gambling or any other order who have resided at Chisholm YEAN since operations commenced.

Clients residing in the YEAN properties are not mandated to provide personal details relating to and including if they are subject to a Court or Corrections order at the intake stage or during their support period in order to receive the accommodation services offered by YEAN. Accordingly, no statistical records are held by the Salvation Army to satisfy this request. A young person may divulge this information to their individual caseworker, and this may be recorded in the case notes, which are held on the individual young person's client files. These files are the property of the Salvation Army, and as such are not held by the Community Services Directorate as Record keepers.

I consider it would be a breach of privacy to access these client files for the purpose of collecting information which may only provide a partial response to your request. For the reason that the information you are seeking is not mandatory as information collected by Salvation Army for the purpose of data entry onto the Australian Institute of Health and Welfare (AIHW), Specialist Homelessness Information Platform (SHIP) nor is the information required to be collected for the purpose of meeting the Service Funding Agreement between the Salvation Army and the Directorate.

*B. The number of persons since Chisholm YEAN operations commenced who have resided at the Chisholm YEAN for longer than one year.*

In order to protect the privacy of clients who currently are residing or who have exited the YEAN program. I believe the Directorate is unable to disclose how many young people have resided in the Chisholm YEAN for a period longer than one year since the commencement in 2012 for the reasons that young people could be identified due to the small cohort of young people who meet this scope.

I note in your previous FOI application dated 9 August 2013, you sought access to a small amount of data which was released to you in the decision letter dated 24 September 2013. I understand since this time the *Information Privacy Act 2014* has been enacted and the definition of personal information has been broadened to include any information which could be identifiable.

Client information that is collected by YEAN is protected under the *Information Privacy Act 2014, Section 8 (1) Personal Information* and the *Australian Institute of Health and Welfare Act 1987*.

Under the Privacy Act, the disclosure of personal information could constitute an unreasonable release and provide identifying information relating to the small group of vulnerable young people who have previously resided in or who have exited the YEAN. I draw your attention to section 8 of the Privacy Act;

- (1) For this Act, *personal information*—
  - (a) means information or an opinion about an identified individual, or an individual who is reasonably identifiable—
    - (i) whether the information or opinion is true or not; and
    - (ii) whether the information or opinion is recorded in a material form or not; but
  - (b) does not include personal health information about the individual.

Additionally, under the AIHW Act, s29 Confidentiality clause, there are strict confidentiality guidelines and penalties relating to information which is collected by an agency and making a record or divulging or communicating that information to any person except for the purposes of this Act, either directly or indirectly, it is important to note that there are penalties attached.

#### 29 Confidentiality

- (1) Subject to this section, a person (in this subsection called the *informed person*) who has:
  - (a) any information concerning another person (which person is in this section called an *information subject*), being information acquired by the informed person because of:
    - (i) holding an office, engagement or appointment, or being employed, under this Act;
    - (ii) performing a duty or function, or exercising a power, under or in connection with this Act; or
    - (iii) doing any act or thing under an agreement or arrangement entered into by the Institute; or
  - (b) any document relating to another person (which person is in this section also called an *information subject*), being a document furnished for the purposes of this Act; shall not, except for the purposes of this Act, either directly or indirectly:
    - (c) make a record of any of that information or divulge or communicate any of that information to any person (including an information subject);
    - (d) produce that document to any person (including an information subject); or
    - (e) be required to divulge or communicate any of that information to a court or to produce that document in a court.

Penalty: \$2,000 or imprisonment for 12 months, or both.

*C: The **number** of persons since Chisholm YEAN operations commenced who have been exited from the Chisholm YEAN for breaching the conditions of residency (for example, drug/alcohol use, criminal activity, obtaining placement dishonestly, breaching curfew, non-compliance, etc).*

Whilst a record of when a client exits the YEAN program is noted for the purpose of data collection, it is not mandatory to record the reason for exiting the program, nor details of possible breaches of the residency conditions. Accordingly, no statistical records or reports are held by The Salvation Army in this regard.

### **Specialist Homelessness Information Platform (SHIP)**

To assist you further, the Directorate has investigated the process relating to the data collection, specifically the YEAN data. The data is provided by The Salvation Army directly onto the Australian Institute of Health and Welfare (AIHW) software for the Specialist Homelessness Information Platform (SHIP). SHIP is a web-based system, which offers a secure web link for agencies. The information which is uploaded has strict ID protocols attached, which ensures the information is unable to be traced back to the agency and more importantly the information relating to the young people cannot identify them. All SHIP infrastructures maintain a secure environment which meets or exceeds the Australian Government Protective Security Protocols.

The SHIP data is collected for the purpose of providing information to the Australian Institute of Health and Welfare (AIHW). The information provided is de-identified to ensure the privacy of the client. As such the collection of this data falls under the governance of the AIHW Act. 1987. States and Territories are provided with strict confidential access to SHIP data, under a signed confidentiality agreement. Designated officers who are granted access to the data are subject to the provisions of the AIHW Act. Under the Act there are penalties enforced if information is divulged relating to the persons included in this collection, this includes if this information is divulged to a court or similar authority. Additional information regarding SHIP can be found on the AIHW website at <http://www.aihw.gov.au/home/>

I am enclosing a copy of the AIHW Privacy Information Card for your information. This information sheet is provided to the young people on entry to Emergency Accommodation and clearly states the guidelines and rights regarding the collection of personal information collected by the Agency for the purpose of Specialist Homelessness Services (SHS) collection.

**Review rights**

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

Executive Director  
Service Strategy and Community Building  
Community Services Directorate  
GPO Box 158  
CANBERRA ACT 2601

You have 28 days from receipt of this letter to seek a review of the outcome or such other period as the Executive Director permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

If you have any queries in relation to this matter, **Ref: 15/173**, please contact Ms Jenny Whichelo on 6207 8778.

Yours sincerely



Meredith Whitten  
Executive Director  
Disability ACT  
f February 2015



## PRIVACY INFORMATION CARD

Specialist Homelessness Services collection

### WE NEED YOUR HELP

*We need information to help people who experience homelessness or who are at risk of homelessness. Your story is important and the information you provide can help develop programs to prevent homelessness, improve services for homeless people, and help people find the way out of homelessness.*

#### **WHAT IS THE SPECIALIST HOMELESSNESS SERVICES (SHS) COLLECTION?**

The SHS collection provides data to the Australian Institute of Health and Welfare (AIHW) from agencies such as this one that are funded to assist homeless people and/or help maintain their accommodation. It collects information about your circumstances, and the type of help you asked for and the services provided to you by this agency.

#### **WILL I BE IDENTIFIED?**

No. The SHS collection does not contain any information that identifies you. Although you provide your name to this agency, it is not passed to the AIHW.

#### **WILL MY INFORMATION BE GIVEN TO CENTRELINK OR THE POLICE?**

No. By law, the AIHW cannot pass on any information in the SHS collection that can be used to identify you to the police, Centrelink or any other government department, organisation or individual.

#### **DO I NEED TO AGREE?**

While you cannot be identified, you may consider that some information is sensitive and that you do not want this information to be passed on to the AIHW.

You can choose at any time during your support period to not have the following information provided to the AIHW:

- Indigenous status
- country of birth
- living arrangement of children on care or protection orders
- type of institution recently left
- formally diagnosed mental health condition
- source of information on a mental health condition
- when mental health services were received.

If you choose not to provide the above information to the AIHW, you will still be able to use this agency's services.



**Australian Government**  
**Australian Institute of  
Health and Welfare**



# Specialist Homelessness Services collection

*Many steps have been taken to ensure that the information you provide to the SHS collection remains confidential.*

## KEEPING YOUR INFORMATION CONFIDENTIAL

Your name is not part of the SHS collection and will not be provided to the AIHW. The following alpha code is used to distinguish between individuals for statistical purposes but not to identify an individual.

Only the 2<sup>nd</sup> and 3<sup>rd</sup> letters of your first name and 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> letters of your family name are provided to the AIHW.

Letters of given name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2nd	3rd				
Letters of family name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2nd	3rd	5th			
Sex	Male	<input type="radio"/>	1	Female	<input type="radio"/>	2

## HOW IS THE ALPHA CODE USED?

The alpha code is combined with your sex and date of birth to create a statistical linkage key (SLK) — almost every person will have a unique SLK. This provides a method to avoid double counting individuals in the statistics that are reported.

## WHAT HAPPENS TO MY INFORMATION?

All information is kept strictly confidential. The AIHW has strict policies and practices to protect data and its building is protected by an electronic security system. Any information kept electronically is stored on secure servers.

## WHERE CAN I GET MORE INFORMATION?

If you would like more information, please ask.