



COLLECTION, USE AND PUBLICATION OF PERSONAL INFORMATION¹

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INTRODUCTION

1. The overall way in which the Royal Commission will be conducted is outlined in the Royal Commission's 'How We Work' document which is available on our website at www.rcfv.com.au.
2. One of the ways in which the Royal Commission will inform itself is by receiving written submissions from people affected by family violence, including individuals and organisations who have come into contact with people directly affected by family violence. The Royal Commission may make submissions public, which means they may be uploaded to the Royal Commission's website, reviewed at the Royal Commission's office, and referenced or included in the Royal Commission's final report.
3. The nature of the issues being considered by the Royal Commission is such that some submissions may contain information about individuals, including people affected by family violence. This document sets out how the Royal Commission intends to treat information about people who make written submissions or who may be referred to in a written submission. It also covers personal information that may be obtained by the Royal Commission in other ways.
4. If you have any questions or concerns about how we will treat your personal information, please send an email to enquiries@rcfv.com.au or call 1800 365 100.

HOW THE ROYAL COMMISSION WILL USE INFORMATION IN WRITTEN SUBMISSIONS

5. Written submissions help to improve the Royal Commission's understanding of gaps and problems in the response of our system, and our society, to family violence, as well as identify existing good practice and potential solutions. An issues paper has been developed to provide general guidance to individuals and organisations in making their written submissions.
6. In order to conduct its inquiry, information contained in written submissions may be provided to a range of people and organisations in order to evaluate the nature and extent of problems or gaps identified in the submissions and obtain their response, and to explore proposals for improvement. This may include government and non-government organisations as well as experts.
7. The Royal Commission will focus on identifying and solving system-wide issues rather than investigating or making findings in relation to individual cases or allegations of family violence. However, the Royal Commission may refer individual cases or allegations to an appropriate agency, if it considers it appropriate in all the circumstances (including having regard to any request for anonymity or confidentiality and seeking to prevent harm to any person). Section 44 of the *Inquiries Act 2014*

¹ Issued under section 16(1) of the *Inquiries Act 2014* (Vic). This statement may be updated and varied from time to time.

authorises a Commissioner or person authorised by a Commissioner to disclose information to other persons or bodies if the Commissioner or authorised person:

- (a) considers that the information, document or other thing is relevant to the performance of the functions of the person or body; and
- (b) considers it appropriate to disclose the information or give the document or other thing to the person or body.

PUBLICATION OF WRITTEN SUBMISSIONS

People making submissions

- 8. Subject to paragraph 13 below, the Royal Commission is willing to receive written submissions that are anonymous or confidential. If a person making a submission requests anonymity, all identifying details will be removed. If a person making a submission requests confidentiality, the Royal Commission will keep the submission (or relevant parts) confidential and it/those parts will not be published or quoted by the Royal Commission.
- 9. If the person making the submission does not request anonymity or confidentiality, the person's name and the contents of the submission may be made public. The Royal Commission will not publish the contact details (e.g. address) of individuals.

Other people referred to in submissions

- 10. Written submissions may contain information about people affected by family violence, other than the person making the submission. Even where individuals are not named, they may be identifiable from other information contained in a written submission. In order to protect the privacy of such people, the Royal Commission will remove information that appears capable of identifying those individuals before the submission is made public.
- 11. Unless all relevant individuals have consented to publication, the Royal Commission will not publish the names of any individual against whom allegations of family violence are made.
- 12. If you are concerned that you or a member of your family may be identifiable in a published submission, you can contact us by email at enquiries@rcfv.com.au or call 1800 365 100.

LAW ENFORCEMENT

- 13. During the course of its inquiry, the Royal Commission may provide information to law enforcement agencies and/or child protection agencies (as appropriate) where it believes it is necessary to prevent harm to any person.

PERSONAL INFORMATION FROM OTHER SOURCES

- 14. If the Royal Commission receives personal information from sources other than written submissions, it will treat it in accordance with the process and principles described in paragraphs 8 to 13 above.

PERSONAL INFORMATION NOT RELEVANT TO THE INQUIRY

- 15. If the Royal Commission receives personal information, whether by way of a written submission or otherwise, that is not relevant to its inquiry, it will endeavour to return

this information to the person who provided it or, where that is not possible, will destroy or delete the information.

INFORMATION THAT MAY NOT BE PUBLISHED

16. Various statutes prohibit the publication of certain types of information which may potentially be received by the Royal Commission. In particular, Part 8 of the *Family Violence Protection Act 2008* (Vic), ss 191 and 534 of the *Children, Youth and Families Act 2005* (Vic), ss 3 and 4 of the *Judicial Proceedings Reports Act 1958* (Vic) and s 121 of the *Family Law Act 1975* (Cth) contain provisions prohibiting the publication of certain types of information. Should such information be received by the Royal Commission, whether in a written submission or otherwise, it will not be published.

NON-PUBLICATION ORDER

17. The Royal Commission has power under s 26 of the *Inquiries Act* to make an order prohibiting or restricting the publication of:
 - (a) any information that may enable the identity of a person who has given or is to give information or evidence to the Royal Commission for the purposes of its inquiry to be ascertained; or
 - (b) any information or evidence given to the Royal Commission for the purposes of it inquiry.
18. If you consider that there may be grounds for the making of such an order, you should contact the Royal Commission by sending an email to enquiries@rcfv.com.au or calling 1800 365 100.

WHAT HAPPENS WITH MY INFORMATION AFTER THE ROYAL COMMISSION IS FINISHED?

19. The Royal Commission into Family Violence is due to deliver its report and final recommendations to the government by 29 February 2016.
20. After the Royal Commission has been completed, its records will be transferred to the Department of Premier and Cabinet and then the Public Record Office Victoria and will be subject to the *Public Records Act 1973* (Vic).