

The government will be judged by deeds not words

Beau Donelly - the Age 26/08/16

EXCLUSIVE: Foster care privacy breaches span more than a decade



In Melbourne, two little girls are asleep in their bunks. The sisters are safe now, in their foster home, where they're being cared for

the way children should be. Outside, motion detector lighting lays in wait above their bedroom window. Security cameras are trained on their suburban street. Deadlocks have been installed on all the external doors of their home.

Safeguarding vulnerable children by retrofitting security or throwing cash at foster carers isn't good enough. *Photo: Nic Walker*

These new security measures, the girls' foster parents hope, will deter their father from doing what he has threatened: come to the house. If they don't, if he does sneak up at night, the cameras might catch a glimpse of him. This could help in any future criminal prosecution, the carers are told - a fact that gives them no comfort at all.

This family has been living in fear since Victoria's child protection agency breached their privacy by giving the father, a violent criminal, their address. He was handed a document containing the exact location of the children who were meant to be safe once they were taken away from him due to abuse and neglect.

Like the other families in this situation, they asked the Department of Health and Human Services for help when they discovered the breach. In the cases Fairfax Media is aware of this sometimes included a request to be rehoused if necessary: if the parent, who the department itself deemed a safety risk, turned up at the address that was meant to be secret.

The government's response? In some cases money. Sometimes a few thousand, sometimes much more. In other cases, a security upgrade: bars, grills, lights, deadlocks and cameras. Panic buttons have been discussed as a potential fix.

But safeguarding vulnerable children by retrofitting security or throwing cash at foster carers isn't good

enough. Internal systems that protect confidential information must be in place as a priority, as the government has now committed. And in cases where this fails, the government needs to respond appropriately - with immediate measures that guarantee children and their carers' safety.

Their concerns cannot be brushed aside, as they were as recently as eight weeks ago when a child protection manager acknowledged the serious threat posed by a father but bluntly told the foster carers: "The department does not agree to cover the cost of relocation should you move from your current residential address in the event [the father] attended your home."

Instead, the department offered to pay for CCTV at their rental property (which it was quick to tell them it would still own if the family ever moved out).

We don't know how many breaches there have been. But we do know they have been happening for at least 10 years. Given that in all reported cases the carers stumbled on evidence their privacy was breached, there are likely to have been others that have gone unnoticed.

The Andrews government is preparing to release the recommendations of its own review of privacy breaches over the past five years. It is understood the review will not be identifying how many breaches have actually occurred.

In the meantime, the department says it is improving its systems, training and policies around the handling of confidential information. But this sounds a lot like what it said a decade ago, when it told another foster carer staff had been re-trained about their obligations in child protection cases.

Victoria's privacy commissioner has launched his own investigation into the department after a string of recent complaints. Now it's a matter of waiting to find out just how entrenched this problem is.

Foster care privacy breaches span more than a decade

Beau Donelly



Victoria's child-protection agency has been breaching the privacy of traumatised children and foster carers across the state for more than a decade and quietly

paying them off or upgrading security at their homes if they find out about it.

A Fairfax Media investigation has found the protected addresses of at-risk children had been given to dangerous parents.

Fairfax Media last month exposed a series of major security breaches out of the Department of Health and Human Services, with an investigation finding the protected addresses of at-risk children had recently been given to dangerous parents on numerous occasions.

Now, it can be revealed that privacy violations by child services date back more than 10 years. The leaks have been traced to several child-protection offices in three of the four Victorian divisions of the department.

They include cases where the agency has mistakenly handed over or posted confidential Children's Court documents and internal department files to violent fathers who have offended against children and pose an ongoing threat to them.

As a result of the disclosures there have been reports of children being threatened, carers being harassed at their homes and receiving menacing phone calls in the middle of the night. Some foster carers and children have been forced to temporarily relocate.

One carer whose privacy was breached when the department couriered an entire case file to a violent father said she was threatened by the man daily and that he and others would call her on the phone to abuse her and read out her personal information from the file.

"They were laughing and scorning and mocking me down the phone and they told me they also had my address," she said. "I was beside myself. This is a man who had horrendously abused the kids."

The file went into great detail about the carer's personal life, including her relationships, medical problems, fertility status, employment, family background and childhood. It also contained highly distressing information about the children, which up until that point was not known to them.

Documents show that when the failure to keep confidential information safe is uncovered by Victorian foster carers, the department's response ranges from playing down the severity of the breach to paying out thousands of dollars in compensation and funding extensive security upgrades at their homes.

In one case this year the department offered to install a \$4000 security system at a carers' house after accidentally handing a violent father a confidential file detailing where his traumatised children live.

The department's offer, which included a confidentiality clause, rejected their request to be moved to a new rental property if the father came to their home, despite the father being jailed for brutal attacks on his children.

Commenting on the privacy breaches last month, the department promised to counsel staff and review its internal processes "to identify any opportunities for improvement".

But in correspondence obtained by Fairfax Media from more than a decade ago the department said then that it would remind staff about confidentiality, suggesting little has been done to fix the problem.

The scale of the departmental breaches, as yet unknown, is now the subject of a wide-ranging probe by Victoria's privacy commissioner. The government, which has commissioned its own review of child protection privacy breaches over the past five years, is expected to release its recommendations within days.

Insiders and Children's Court lawyers say the DHHS privacy breaches are the result of human error from overworked social workers and say the problem is getting worse as the system is pushed to breaking point.

One Melbourne lawyer said they had represented child protection workers in recent years whose own privacy was breached while employed by the department, and had negotiated compensation payments between \$20,000 and \$35,000 on their behalf.

A spokesman for the Department of Health and Human Services said it has been "progressing improvements to information systems, training and the policies and procedures around the handling of information".

Families and Children Minister, Jenny Mikakos, did not respond to a request for comment on Thursday.

**Some details have been changed to protect the identity of foster carers and children*

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