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Thank-you for the opportunity to make a submission to the Privacy and Responsible Information Sharing legislation for WA.

ABOUT THE WOMEN’S COUNCIL FOR DOMESTIC AND FAMILY VIOLENCE SERVICES

The Women’s Council for Domestic and Family Violence Services (WCDFVS) is the peak non-government body in Western Australia committed to improving the lives of women and children in society, and ensuring they live free from family and domestic violence. The organization provides a voice on domestic and family violence issues to help facilitate and promote policy, legislative and programmatic responses relevant to women and children who have experienced domestic and family violence.

Currently Women’s refuges and Safe at Home services receive Federal and State funding under the NHHA are required to supply data attached to a unique client linkage code to the Australian Institute of Health and Welfare.

Funding contracts require the collection of data on all clients who receive crisis accommodation, including children. The AIHW provides aggregated data on WA clients back to the state funding body, Department of Communities.

Data collection requirements have changed over time from all data collected requiring the full consent of the client to the currently positon where most of the data collected is without consent.

Currently consent is only required for:

- Is the client of Aboriginal or Torres Strait Islander origin?
- If the client is under the age of 18 and has a care or protection order, what were their care arrangements?
- Has the client been in any of the following facilities/institutions in the last 12 months?
- Has the client ever been diagnosed with a mental health issue by a health professional (for example, psychiatrist, psychologist or doctor)?
- What time period has the client received services or assistance for their mental health issue?
- Was there any additional information, informal or formal, that indicates the client has a mental health issue?
- What is the client’s country of birth?

Service cannot be withdrawn from a client who chooses not to provide the data.

WCDFVS has serious concerns with the current SHIP data collection and those concerns also apply to the proposed legislation:

1 Funding contracts have changed over time and will increasing ask for more and more data to be provided without client consent.

2 That agency practice over time becomes less rigorous and consent for specific data is not secured in a meaningful way and a client's information is provided without their consent or knowledge.

3 That clients in need of refuge accommodation have no choice about which refuge they are accommodated in, they may feel they no choice about consenting to provide information.

What issues should be considered

How will data currently collected by refuges and supplied to AIHW fit with state data collection and information sharing legislation?

Will this duplicate an existing data collection or increase the data collected on a highly vulnerable cohort of women and children?

The information provide indicated that accessing a service implied the client was giving consent to their data being collected?

How can we protect the data of children who for safety reasons are accommodated in women's refuges, sometimes at the insistence of the Department of Communities?

How can we ensure that vulnerable groups like women and children escaping Domestic and Family Violence can access services and retain the right not to share their information?

What recourse will there be if data is recorded without consent and then shared?

Will the legislation provide clients with access/rights to inspect their records at services?

Will there be a state wide standard for government and non-government that enforces and promotes client's rights in relation to inspecting records, correcting or deleting data and giving full and informed consent.

We are also concerned that the proposed model has made no mention in the framework of consideration of data collection for a significant portion of the WA population that currently is excluded from data collection.

How can you have evidence based decision making , a citizens centered approach and information that will ensure delivery of better services and outcomes if you aren't counting significant percentage of the population?

As many as 11 in 100 Australians may have a diverse sexual orientation, sex or gender identity.

From the WA Minister for Heath Western Australian Lesbian, Gay, Bisexual, Transgender, Intersex ***Health Strategy 2019–2024***

To not require both government and non –government agencies to collect GLBTIQ data and information makes no sense.
Currently the ABS is considering including in the 2021 census questions on sexual orientation, gender identity and inter sex status.

The WA legislation is an opportunity to be at the forefront of data collection that in theory will benefit all WA people.

How can any legislation claim to protect people privacy when researchers from Imperial College London and the Catholic University of Louvain, Belgium, have shown that even so called "anonymized" data sets with names, address and other unique identifiers removed can be traced back to individuals using generative copula-based method.
99.8% of Americans could be re-identified in 'anonymous' data that contained just 15 characteristics, including age, gender and marital status.

Ref COSMOS The science of everything pg 12 issue 84