

Dear Senator Green and Steele-Johns

Please find below AFDO's view on what needs to change in the NDIS Amendments Bill regarding what needs to change to balance the Q&SGC decision to override a participants right to privacy in order to protect in the context of allegations of abuse. In order to support any amendments that increase access, use and sharing of people with disability's personal information in the context of abuse the following issues must be addressed taking into account that the right to privacy is as important as the need to protect.

If the need to protect becomes more important than the participants right to privacy then a clearly identified process which articulates:

- Why the participant's rights to privacy should be overridden by the need to protect
- How a person's privacy will be protected in the context of the Q&SGC investigations regarding the abuse
- Who the information is shared with
- The person is notified that their privacy rights have been overridden by the need to protect
- To override participant privacy the threat of abuse has to be proved to be current (which will need to be defined)
- Identify the characteristics that determine if a person is vulnerable not just that the person is vulnerable
- That the decision to override participant privacy in order to protect from abuse be independently assessed as part of the protective decision making process
- Annual reporting for each case where the Q&SGC override participants privacy in order to protect to the Office of the Australian Information Commission

Kind Regards

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Australian Federation of Disability Organisations



**Australian Federation of
Disability Organisations**

“The national voice representing people with lived experience of disability in Australia.”

AFDO acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them, to their cultures, and to their elders both past and present.