

Privacy Statement for Independent Inquiry into Abuse at Dilworth School

This privacy statement explains how the Independent Inquiry into Abuse at Dilworth School will manage the personal information it obtains, including how we will collect, use, and disclose this information to perform our functions.

The Inquiry will need to collect often sensitive personal information about abuse at Dilworth School. We are committed to managing this information in accordance with principles of sensitivity, confidentiality, and privacy. We operate independently of Dilworth School and the Dilworth Trust Board, and we will collect and use personal information only in ways that clearly support the objectives of the Inquiry.

Wherever possible, we will only disclose personal information to third parties with the consent of the individual concerned. However, there are a few situations where we may have to disclose information that identifies you so we can carry out our inquiries. These situations are set out below.

If you cannot find the information you need in this statement, or you have any questions or concerns about your personal information, please contact us at any time by emailing privacy@dilworthinquiry.org.nz.

+ Why are there separate privacy statements for the Inquiry and the Redress Programme ?

The Inquiry and the Independent Redress Programme are separate, but related, parts of the Dilworth Response. Because the Inquiry and the Redress Programme will do different things with personal information – according to their purposes and functions – we need to address privacy notice differently for each. This privacy statement relates to the Inquiry, and you can read the privacy statement for the Redress Programme at <hyperlink to be confirmed>.

This difference also means that you may be required to sign separate consent forms for the Inquiry and the Redress Programme. We know this could cause confusion and frustration, but we believe that it is important to ensure that we, and you, are absolutely clear about what you are providing consent for and how your information will be collected, used, or shared.

In some circumstances, personal information may be shared between the Inquiry and the Redress Programme. These circumstances are set out below.

+ What personal information will the Inquiry collect?

Personal information means information about an identifiable person. The personal information we need is determined by our purpose and scope, which are set out in our Terms of Reference. Our purpose and scope are broad in nature, and this means we may need to collect a significant amount of personal information to ensure that we can deliver the outcomes expected of us. That said, we will take steps to ensure that we collect only the personal information we really need.

The types of personal information we may collect during the Inquiry include the following:

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- Personal identifiers of participants, including names, ages, and contact details. Please note, participants may send us anonymous accounts of their time at Dilworth, but such accounts are less useful to the Inquiry.
- Information about a survivor's admission to Dilworth, including the dates of their admission and the duration of their attendance.
- Information about a survivor's experiences at Dilworth, including information about their education, discipline, and pastoral care.
- Information about the abuse a survivor is alleged to have suffered.
- Information about a survivor's experiences after Dilworth, which could include psychological or other medical assessments or documents.
- Information about a participant's current mental health, or any other risks that may impact on the ability of a participant to participate in the Inquiry.
- Information about a survivor's whānau/family, and the impact abuse has had on them.
- Information about a survivor's culture and its importance in the context of their experiences at Dilworth.
- Information about the alleged perpetrators of abuse, which may include information about Dilworth employees, board trustees, volunteers, students, or others.
- Information about Dilworth employees, board trustees, volunteers, students, or others who may have responded to abuse complaints or otherwise been involved with a survivor.
- Information about the recollections or experiences of witnesses to abuse at Dilworth.

+ Who will the Inquiry collect personal information from?

Wherever possible, we will collect personal information only from the individuals concerned – people who participate willingly in the Inquiry. For example, if a survivor agrees to be interviewed for the purposes of the Inquiry, we will collect personal information directly from that survivor during the interview.

However, in some cases, it will not be possible for us to collect personal information directly from the individuals concerned. For example, we may need to collect personal information that the individual concerned does not hold. We may collect personal information from the following third parties:

- **Dilworth School** – Dilworth holds historical information that will be highly relevant to the Inquiry. Where possible, we will ask for the consent of individuals identified in this information to collect it. However, we may collect personal information from Dilworth without consent in some cases, such as where the individual concerned is deceased or it would not be practicable to obtain consent in the circumstances and it would be in the public interest for us to collect it.
- **Lawyers representing survivors** – Many survivors have already engaged lawyers to manage legal proceedings relating to the abuse they have suffered. As part of this process, they have may have provided personal information about their experiences that could be highly relevant to the Inquiry. We will only collect this information with the consent of the individuals concerned.

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- **Healthcare providers** – In order to ensure the Wellness of participants in the Inquiry, the Dilworth Response Wellness Unit may need to collect health information from healthcare providers from time to time, such as psychological assessments. The Wellness Unit will only collect this information with the consent of the individuals concerned, and the Inquiry will only access it if necessary for the purposes of managing a person's safe participation.
- **Independent Redress Programme** – We want to ensure that survivors do not have to provide their information to the Inquiry if they have already provided it to the Independent Redress Programme, to minimise stress and trauma. The Redress Programme has made clear in its privacy statement that it will share personal information with the Inquiry.
- **Anyone else you consent to us contacting** – If you have previously provided your account to another organisation, such as the Royal Commission of Inquiry into Abuse in Care, or the Police, you can provide consent for us to collect information about you from that other organisation, to minimise stress and trauma.

+ How will the Inquiry use personal information?

We will use personal information only for the purposes of the Inquiry, as set out in our Terms of Reference. This may include using the information in the following ways:

- Considering the information for the purposes of making findings on the matters set out at clauses 3 and 4 of our Terms of Reference.
- Delivering a written report with the Inquiry's findings and recommendations, which will be made public subject to redactions and/or anonymisation to address privacy and confidentiality considerations.
- Managing the safety and Wellness of participants in the Inquiry and of Inquiry staff, including informing participants of other processes that may be available to them.
- Managing overlap between the Inquiry and Redress Programme, to minimise stress and trauma to survivors who engage in both processes (see below in relation to disclosure).

+ Will the Inquiry disclose personal information to third parties?

As noted above, we are collecting personal information for the purposes of considering the matters within the scope of the Inquiry, delivering a written report on our findings, and managing health and safety risks to participants and Inquiry staff. To achieve these purposes, we will only disclose personal information in the following ways:

- We will disclose personal information to our Independent Inquirers, Dame Silvia Cartwright (Inquiry Chair) and Frances Joychild QC, who will use this information to meet the first two purposes set out above.
- We may disclose personal information to the Redress Programme – via our Wellness Unit - about any risks to the health, safety or Wellness of a participant.
- We may need to disclose some personal identifiers about a participant – such as name and age – to Dilworth School in order to facilitate a request for information related to the matters that participant has brought to the Inquiry's attention (but we will never disclose detailed information about a participant in this way).

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- We may need to disclose information from a witness to other witnesses in the process of investigating the issues. We will not identify witnesses during this process, unless they consent to their identity being known.
- With consent, we will disclose personal information about a participant to the Redress Programme, to minimise stress and trauma to survivors who engage in both processes.
- We will disclose personal information to other third parties in order to investigate the matters in the Terms of Reference, but only with the consent of the individual concerned.

To maintain the integrity of the Inquiry, and the trust of our participants, we will not otherwise disclose personal information to Dilworth School, the Police, or any other government agency unless we are required by law to do so. If you would like to make a complaint to the Police relating to abuse at Dilworth School, please contact the Police at Operation.Beverly@police.govt.nz or (09) 302 6624.

We will not identify participants in our report, and we will take all reasonable steps to ensure that any cases referred to in the report are anonymised.

How will the Inquiry ensure personal information is protected?

We will take all reasonable steps to protect personal information from loss, unauthorised access, use or disclosure, or any other misuse, including the following:

- We store and process personal information within trusted third-party platforms, with all information stored securely on cloud servers located in Australia.
- We ensure that Inquiry staff and the Independent Inquirers access and process personal information only within our secure platforms, and that people can access only the personal information they need to perform their functions.
- We protect personal information during transmission, including by encrypting emails and attachments.
- We require all Inquiry staff to use separate devices for managing Inquiry work, including laptops and mobile phones, and we take steps to ensure these devices are secure.

Can people have access to the personal information the Inquiry holds about them?

Anyone has the right to ask the Inquiry whether it holds personal information about them, and to request a copy of that information if we do. Please email your request to privacy@dilworthinquiry.org.nz. We will respond as soon as we can, and no later than 20 working days after you make your request. We will be as open as we can with you, but we may need to withhold personal information in some cases, such as where necessary to protect the privacy of other individuals.

What will happen to the personal information once the Inquiry is completed?

We will retain personal information only for as long as we have a lawful purpose to use it. This is likely to be for the duration of the Inquiry, and until we have delivered our findings. The Inquiry has yet to determine whether, after the Inquiry is completed, we will securely destroy the information or securely archive it. We will update this privacy statement and once that decision has been made.