**CROWN CONFIDENTIALITY WAIVER**

***Confidentiality Waiver***

*If you have signed a confidential settlement with a Crown agency (through the Ministry of Education, Ministry of Health, Ministry of Social Development, or predecessors of those agencies or of Oranga Tamariki) relating to an abuse in state care claim, the Crown agencies agree to waive any relevant confidentiality obligation and/or any other clause that might stop free communication with the Royal Commission of Inquiry into Historical Abuse in State Care or the Care of Faith-based Institutions.  This waiver means you will not breach a confidentiality obligation to one of these Crown agencies if you provide your settlement agreement to the Royal Commission, or discuss the details of that agreement with the Royal Commission.*

*The Crown agencies will not themselves disclose settlement agreements to the Royal Commission, to ensure that confidentiality is only waived if you wish to do so. This waiver of confidentiality applies to sharing information about your settlement agreement with the Royal Commission.  If there are others that you would like to share that information with, please contact the relevant agency (details below) for guidance.*

*These Crown agencies cannot waive any confidentiality obligations you may have to another party to any settlement agreement, such as a private care provider\*, a school board of trustees or a district health board. If you have signed a confidential settlement agreement with another party, or have given confidentiality undertakings to others (for example, the court at a judicial settlement conference or to other parties at mediation), you may need to seek a waiver of your obligations from that party or from the Court before disclosing the relevant terms to the Royal Commission. You can use the template letter below to write to that party.*

*If you have any questions or concerns about disclosing a settlement agreement, the relevant Crown agency would be happy to help you with these.  Please contact the relevant Crown agency or, if you are unsure who to contact, the Crown Secretariat managing the Crown response to the Royal Commission (*[*contact@abuseinquiryresponse.govt.nz).\**](mailto:contact@abuseinquiryresponse.govt.nz).*)

*A private care provider is an organisation approved under s 396 of the Oranga Tamariki Act 1989 (or under previous legislation) to provide care for children and young people.  This would include such organisations as NGOs, Iwi Social Services and Churches.*

**TEMPLATE LETTER**

*Address to: non-Crown party to settlement agreement*

*(such as a private care provider,*

*a school board of trustees*

*or a district health board)*

*To whom it may concern*

*I am a party to a settlement agreement between [list the parties to the settlement agreement] that relates to my claims of abuse while in state care. That settlement agreement includes a confidentiality obligation that prevents each of the parties discussing the details of that agreement with anyone else.*

*I would like to participate in the Royal Commission of Inquiry into Historical Abuse in State Care or the Care of Faith-based Institutions and would like to discuss my settlement agreement with the Commission.*

*The Crown has agreed to waive the confidentiality obligation so that I can discuss my settlement agreement with the Commission.*

*Please confirm that you consent to waiving the confidentiality obligation so that I can discuss my settlement agreement with the Commission.*

*Yours faithfully*

*[Name and contact details of survivor or their representative]*