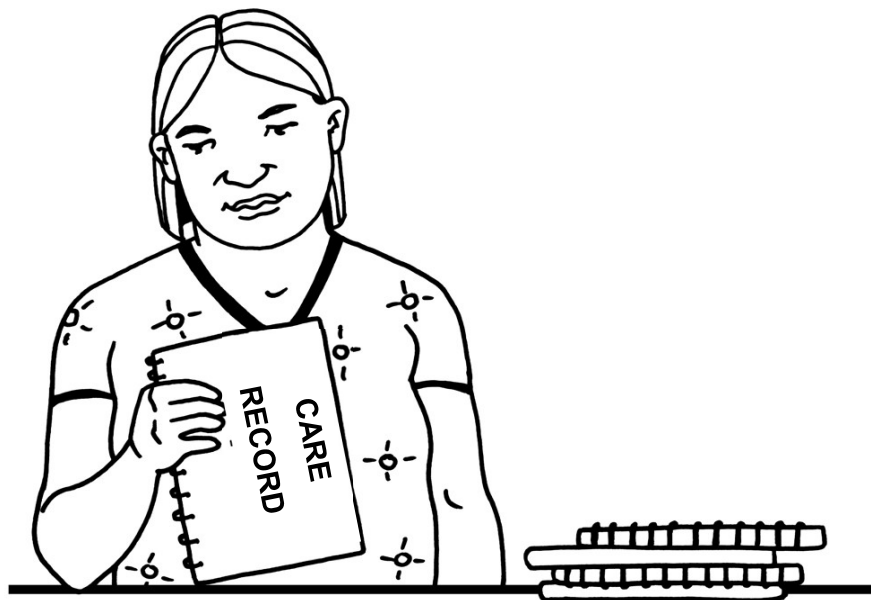




Listening, learning, changing
Mā Whakarongo me Ako ka huri te tai
Crown Response to the Abuse in Care Inquiry

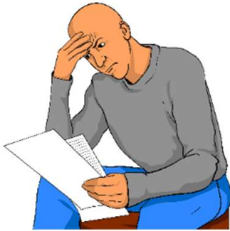


How people who spent time in care can see records made about them



Published: June 2023

Before you read this document



Some of the information in this document may upset people when they are reading it.



This information is not meant to upset anyone.



If you do not feel safe right now call the police on **111**.



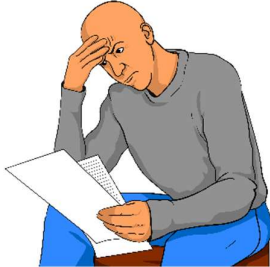
If you are worried or concerned after reading this you can talk about it with:

- your family / friends
- your support workers.





This is a long document.



It can be hard for some people to read a document this long.

Some things you can do to make it easier are:



- read it a few pages at a time
- set aside some quiet time to look at it
- have someone read it with you to support you to understand it.



What you will find in here

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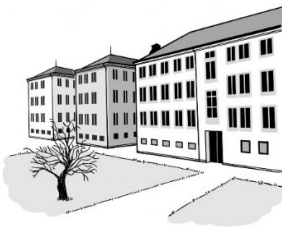
This Easy Read document is from the **Crown Response to the Abuse in Care Inquiry.**



It is a guide for people wanting to see **records** that were made about their time **in care**.



In this document **records** means information that was kept about a person about their time in care.



Being **in care** means that the Government or a faith-based institution like a church was in charge of looking after you.



What is the Royal Commission of Inquiry into Abuse in Care?



The **Royal Commission of Inquiry into Abuse in Care** is looking into **abuse** that happened to people in care.



Abuse can be:

- **physical** – a person kicking or hitting you
- **emotional** – a person yelling or saying things to you that are not nice
- **neglect** – a person not giving you the things or care you need.

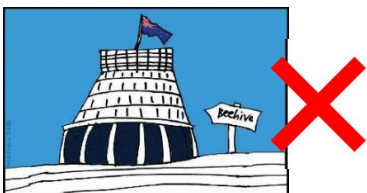


Abuse can also be **sexual** which is when someone does sexual things to you that you do not want them to like:

- touching your body or private parts
- kissing you
- making you have sex with them – this is called rape.



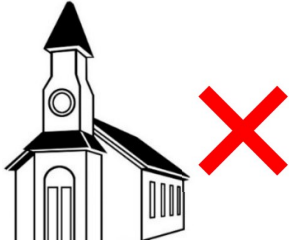
The Royal Commission of Inquiry into Abuse in Care is also called the **Commission**.



The Commission is **not** part of the Government.



The Government cannot tell the Commission what to do.



The Commission is also not part of any faith-based organisations like churches.



The Commission calls people who have been through abuse in care **survivors**.



Some survivors may want to read the records that were made about them when they spent time in care.



This guide is to support survivors to:

- find out how to get the records / information they want
- understand why they may not be able to get some records / information.



What is the Crown Response Unit?



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Crown Response to the Abuse in Care Inquiry

The **Crown Response** to the Royal Commission of Inquiry into Abuse in Care is sometimes called the:

- Crown Response Unit
- CRU.



The CRU is a group of government officials that looks after the:

- contact between the Government and the Commission
- Government response to what the Commission finds out.



The **response** is what the Government will do because of what the Commission finds out.

Finding your records about your time in care



Everybody who spent time in care in New Zealand has the **right** to **request** their records.



Rights are things that everyone has that say what a person can do / have like:

- the right to think / say what they think about things that are important to them
- the right to ask for information that has been made about them.



Request means to ask for something.



You can find out which agencies hold records about different places of care by going to the **Archives NZ** website at:

<https://tinyurl.com/2p9xmbhp>

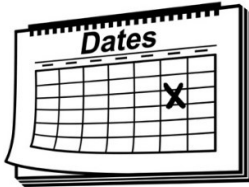


You may need to ask more than 1 agency for your information.



When you ask for your information it is useful if you can say:

- where you were in care
- when you were in care
- what information you are looking for.





You can also find contact information for most of the government care agencies on the CRU website at:

<https://tinyurl.com/2c2d8u7j>

Asking for your records



You may be asked to show some **identification** when you request your records about your time in care.



Identification is also sometimes called **ID**.

ID is an official document that you can use to prove who you are like:

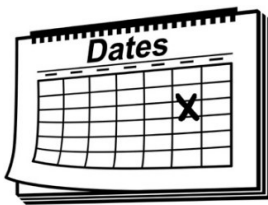
- a passport
- a New Zealand driver licence
- a Kiwi Access card.



You should be told when the organisation has got your request for your records.



Within 20 working days of the organisation getting your request they should tell you when you might get the information you asked for.



20 working days is about 4 weeks.



The organisation may get in touch with you if they:

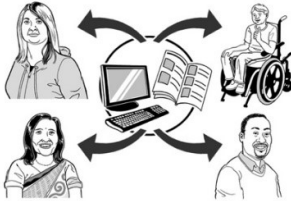
- need more information about you to find your records
- need to know more about what kind of information will be the most useful to you.





The organisation will:

- search the records they have to find the information about you
- check if any of the information needs to be **redacted**
- send the information to you.



We will explain what **redacted** means on **page 19** of this document.

How you will get your records



Each organisation has different ways it can send you your records.

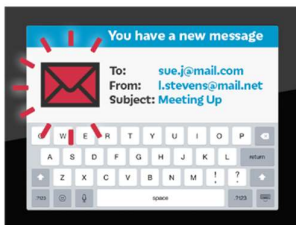


You should tell the organisation how you would like to get your records.

Some of the ways you can get your records are:



- you can have a paper copy of your records sent by **courier** to your house / another safe address



- you can get an email that includes a digital copy of your records.



A **courier** is a way of posting documents that means you can track / check when they will get to you.

Other ways you can get a copy of your records are:



- you can have your records sent to a person you trust like your lawyer / your counsellor



- you can download a copy of your records from a **secure** website.

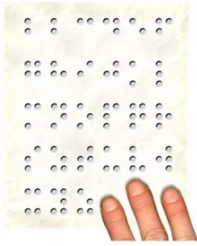


Secure means something that is:

- safe to use
- protected in some way like with a password so no one else can see the information.



You can also ask the organisation if it is possible for them to send your records in an **accessible** way.



Accessible means getting information in a way that meets your needs.

You might need information:

- in Braille
- as an audio recording
- in large print.



Redacted information

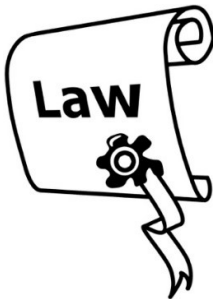


Sometimes some information in official records must be **redacted**.

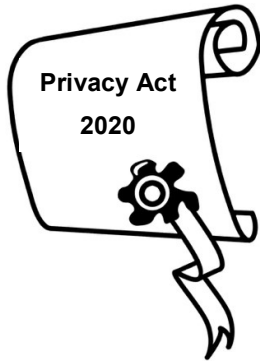


Redacted means that some information is blacked out / taken away so you cannot see it like:

- some words used in a document
- some parts / sections of a document
- full pages of a document.



This happens when leaving these things in the document would be breaking the law.



The law that sets out your rights to see your information is called the **Privacy Act 2020**.



The organisation you request the information from must give you your full records unless there is a legal reason for them not to.



They must also tell you what this reason is.



We will look at some reasons why information might be redacted on **pages 25 to 36** of this document.



If you think an organisation has redacted some information you think you should see you should get in touch with them to ask why.



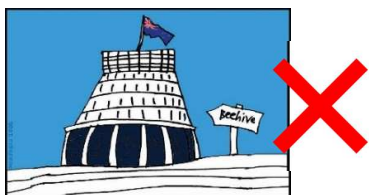
The organisation might be able to tell you more about why they decided to redact the information.



You can make a **complaint** to the **Privacy Commissioner** if you are still unhappy about what the organisation has told you.



A **complaint** is when you tell someone you are unhappy about something.



The **Privacy Commissioner**:

- makes sure that organisations in New Zealand follow the laws to do with privacy
- is not part of the Government.



You can find more information about the Privacy Commissioner on their website at:

www.privacy.org.nz



You can get in touch with the Privacy Commissioner:

- by post at:

**Office of the Privacy
Commissioner**

PO Box 10 094

Wellington 6143



- by email at:

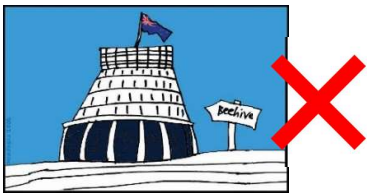
enquiries@privacy.org.nz





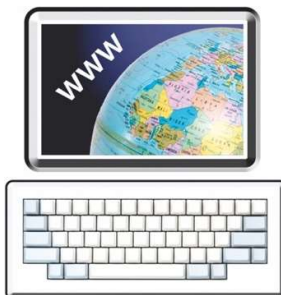
If you have a complaint about a government agency you should get in touch with the **Ombudsman** so they can look at what the agency has decided.

Ombudsman
Tuia kia ōrite • Fairness for all



The Ombudsman:

- supports people in New Zealand with complaints they have about government agencies
- is not part of the Government.

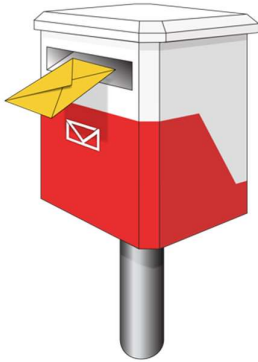


You can find out more information about the Ombudsman on their website at:

www.ombudsman.parliament.nz



You can get in touch with the Ombudsman:



- by post at:

The Ombudsman

Office of the Ombudsman

PO Box 10152

Wellington 6143



- by email at:

info@ombudsman.parliament.nz

Redacting private information



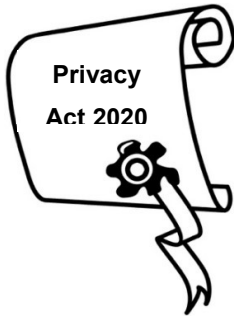
Records from when you were in care might include **private information** about other people as well as you.



Private information means something **personal** about someone that should not be shared with other people like:

- information about their health that they do not want other people to know
- information about things that have happened to them that they do not want to tell people.

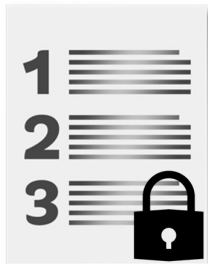




The law says private information about other people must stay private.



Most redactions are made to make sure information about other people is kept private.



There are some reasons why your records might include information about someone else.



Some organisations make files / records about a family / whānau that means the records could have information about:



- your parents
- your brothers / sisters
- other people in your whānau.



Some of these kinds of files / records might not have any information about you.



Some organisations make files / records that are about:

- an institution
- a school.



When this happens the files might have information about lots of other survivors who spent time in care.



Places that might have records that include information about other survivors are:

- **foster care**
- **orphanages**
- homes for children
- special institutions like those that support Deaf / disabled people
- schools.



Foster care means someone else who is not your parent / parents looks after your care.



Orphanages are places that look after children who do not have any living parents.



Before an organisation / agency says it is okay to share private information about someone else with you they must think about these 3 questions:



1. Is the information also about you?

2. Would it be okay with the other person if information about them was shared?



3. Could someone be hurt / harmed if the information was shared?



Some types of private information about other people can usually be shared with you like:

- information you already know
- information about a professional person working in a place of care.





Some private / personal information may not be redacted if the organisation does not think it needs to be kept secret like:



- information that can be found out by searching **public records** that are records everyone can read
- information that is already well known.

Other reasons for redactions

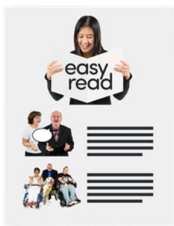


There may be other reasons why an organisation might redact some information.



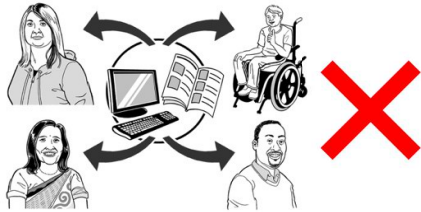
The 2 most common reasons are:

- when the information is **legally privileged**
- when your files contain **court documents**.



We will explain what these 2 things mean on **pages 32 to 36** of this document.

Legally privileged information



Legally privileged information means information that cannot be shared with anyone else.



Anyone sharing this kind of **confidential** information is breaking the law.



Confidential means something that must be kept private / secret.



Organisations will usually redact any information that is legally privileged.



There are 2 types of legal privilege:

- **solicitor–client privilege**
- **litigation privilege.**



Solicitor–client privilege means an organisation cannot share any confidential information that has been sent between:

- lawyers who work for the organisation called the **solicitors**
- people who work for the organisation called the **clients**.



Litigation privilege means the organisation cannot share some information that was made to be used in court.



The sort of information that was made to be used in court could be information about a court case that may be shared between lawyers and people who work for the organisation.

Court documents



There are other laws that mean an organisation cannot share information like some documents / reports that the **courts** have asked to see.



The **courts** means a place where legal issues are looked at / decided.

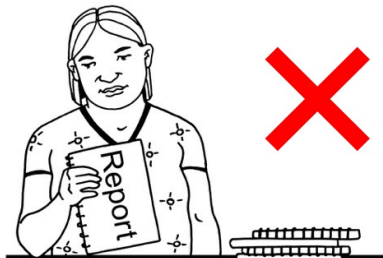
These kinds of documents that courts ask to see are usually reports made by:



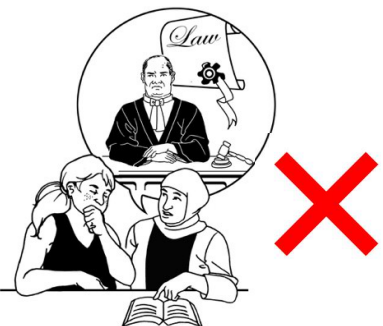
- **social workers** who support people to get the essential services they need to live a good life



- **psychologists** who support people to manage things to do with their mind / emotions.



The law says that reports that the court has asked to see cannot be shared with anyone unless the court says it is okay.



Your records may include court documents that an organisation cannot send to you.

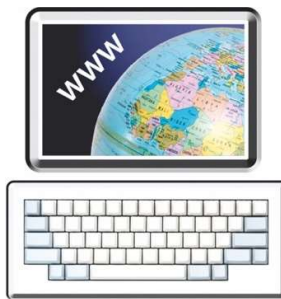


You can call the courts to ask for copies of your documents on:

0800 224 733



It will not cost you any money to call this number.



You can also find a guidance document from the CRU that has more information about redactions at:

<https://tinyurl.com/prm25bmw>



This document is to support organisations / government agencies to decide if any information should be redacted.



The guidance document is not in Easy Read.

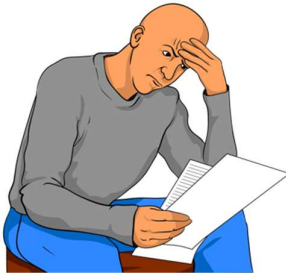
Some problems with record keeping



The way some organisations keep records now may be different to how they were kept in the past.



This means that some records might not include all the information you want.



This section will look at some reasons why your records might:

- be different to what you thought they would be
- not include all the information you wanted / hoped you might get.



You may remember something that is not in your records



Your records might include information that is different to what you remember.

This is usually because the information / records:

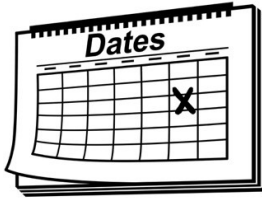


- were written from the point of view of the people who were part of your care at the time
- do not include everything that happened to you when you were in care.





There may be less information in your records than you thought you might get



The records / information you get will depend on things like:



- when you were in care
- what sort of institution or care place you were in



- which laws told the organisation how it should make / look after your records



- how different staff members made / kept records.



Your records may be lost / destroyed

The organisation should tell you:

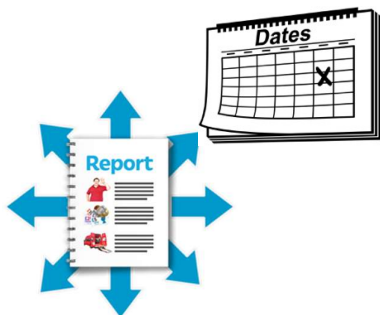


- why this has happened
- if your records have been:
 - lost
 - destroyed.





You may not like the way the people who worked for the organisation talked about you / your whānau / family



The way people who work in care make / write records has changed over time.



Records that were made some time ago about you / your whānau may include words / information that you might:



- find upsetting
- feel is unfair / untrue.

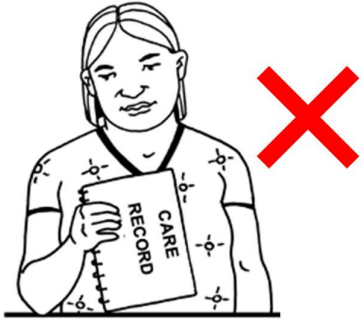


It is important to remember that the records:

- do not tell the full story about what happened to you
- may have been written by people who only saw you at a difficult time in your life.



You can find information about getting support when you read your records on **page 46** of this document.



Your records may be incorrect

Incorrect means something that is not right / true.



You have the right to ask the organisation to change the information if you think it is wrong.

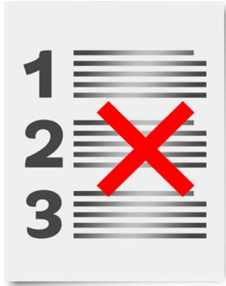


Incorrect information that you might want to change in your records could be things like:

- when you were born
- the spelling of your name.



You might also want to change the information to say something else.



You might want to change the information by:

- taking away some information
- adding some more information to make the record true
- adding a **statement of correction** to your record.

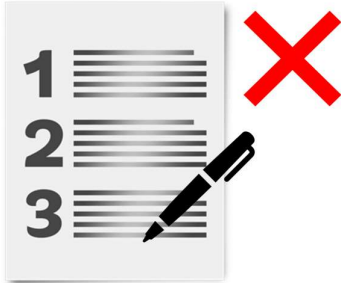


A **statement of correction** is a document that sets out:

- what information is incorrect
- what the information should say to make it true.



The organisation might say no to changing the information.



Reasons why the organisation might say no to changing the information include:

- the organisation thinks the information is right
- the organisation cannot change the record for some reason.

If this happens you can make a complaint to the Privacy Commissioner.

Getting support when reading your records



Some survivors may find it difficult to read their records.



Some information might make some survivors feel upset / hurt.



Some survivors might also find information in their records that:

- they did not know about
- they think is wrong / upsetting.



It can be a good idea to have someone support you when you read your records.



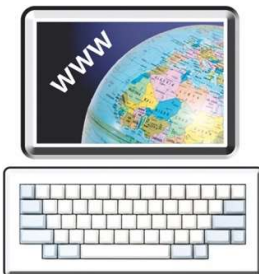
You could get support from someone you trust like:

- a friend
- a member of your whānau / family
- someone who supports you with your mind / how you feel like a counsellor.



You can also get support from:

- government agencies
- community services.



You can find out more about where you can get support on the CRU website at:

<https://tinyurl.com/4nyrvnfc>



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Crown Response to the Abuse in Care Inquiry

This information has been written by the Crown Response Unit.



Make it Easy
Kia Māmā Mai

It has been translated into Easy Read by the Make it Easy Kia Māmā Mai service of People First New Zealand Ngā Tāngata Tuatahi.



People First NZ
Ngā Tāngata Tuatahi

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