



# Responding to Requests for Information (National Redress Scheme) Procedure

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## 1. Purpose

The National Redress Scheme (NRS) allows a person who has experienced institutional child sexual abuse (prior to 30 June 2018) to apply for redress. When the NRS Operator ('Scheme Operator') receives a redress application, the Scheme Operator may issue a Request for Information (RFI) to a participating institution in order to obtain information relevant to determining the outcome of the application.

This procedure describes the processes followed by the Redress Response Team (RRT) when responding to a RFI received by the Department for Child Protection (DCP) in relation to a NRS application. It also sets out the RRT's process for documenting information about the number and outcomes of NRS applications relevant to DCP.

## 2. Scope

This procedure applies to the management of RFIs and recording of information relevant to NRS applications by the RRT. This procedure does not apply to the preparation or provision of a Direct Personal Response (DPR) for the purposes of the NRS.

## 3. Authority

### 3.1 Legislative context

The NRS is established under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2019 (Cth)* ('the NRS Act'). The NRS allows a person born before 30 June 2010 who experienced sexual abuse in an Australian institution before 1 July 2018 to make an application for redress from a participating institution. DCP is a participating State institution for the purposes of the NRS.

When the Scheme Operator receives an NRS application, the Scheme Operator can issue a RFI to a participating institution to obtain information relevant to determining the application. A RFI may be issued to a participating institution if the institution is either named as being involved in the abuse of a person, or the Scheme Operator has reasonable grounds to believe that the institution may either be responsible for the abuse of a person or have information relevant to determining an application. The RFI sets out the information to be provided and the production period for the information.

To protect an applicant's privacy, information received and held by DCP as part of the RFI process is 'protected information' pursuant to section 92(2) of the NRS Act. Protected information includes any information about a person's application or offer for redress.

The NRS Act permits DCP employees to obtain, disclose, use and make records of protected information if the employee believes, on reasonable grounds, that this is reasonably necessary to comply with the RFI. However, the unauthorised access, recording, disclosure or use of protected information is an offence pursuant to section 99 of the NRS Act and can incur penalties including up to two years imprisonment. A person is also liable for a civil penalty if they give information, produce a document or make a statement to



an officer of the NRS if the person knows, or is reckless, as to whether any information, document or statement provided is false or misleading in a material particular.

### 3.2 Whole of Government requirements

The Attorney General's Department (AGD) has established a State Redress Response Unit (SRRU) to facilitate the participation of all State Government institutions in the NRS. This includes coordination of responses to RFIs across agencies.

As the coordinating agency, AGD (SRRU) initially receives the RFI from the Scheme Operator and then refers it to the relevant State Government agency via a State Agency Request (SAR) for a response. DCP prepares responses to RFIs in the format approved by the Scheme Operator. Following the addition of any information held by the Crown or other agencies, DCP approves the uploading of the RFI response to the Scheme Operator via the NRS portal.

The South Australian Information Classification System (SAICS) sets out the information classification requirements all South Australian public sector agencies must adhere to when assessing the confidentiality, integrity and availability of information to ensure appropriate classification, protective markings and handling requirements are assigned.

### 3.3 DCP requirements

The [DCP Information Classification and Handling Procedure](#) guides the classification of DCP information to reflect security needs. The Procedure:

- sets out the requirements for handling that information in accordance with those needs
- focuses on preserving the information's confidentiality
- supports the DCP Data Governance Framework.

### 3.4 Principles

The following principles apply to the processing and management of RFIs:

- **Timely and responsive:** Responses to RFIs are provided within the agreed timeframe.
- **Accurate:** Information provided as part of a response to an RFI is accurate and reflects the best of our organisation's knowledge.
- **Respectful:** The privacy of applicant information is respected.
- **Confidential:** Protected information is handled in accordance with legal and policy requirements.

## 4. Procedure requirements

### 4.1 Classification and handling of 'protected information'

In line with the DCP Information Classification and Handling procedure, all protected information created by the RRT under the NRS Act will be classified and marked as **Official: Sensitive//Legislative Secrecy** and handled in accordance with the requirements of the procedure.

All staff who handle protected information will receive appropriate advice in relation to their obligations regarding the use, recording and disclosure of protected information under the NRS Act.

### 4.2 Records management structure



### 4.2.1 Overview

The RRT is responsible for:

- ensuring the timely and accurate response to RFIs issued by the Scheme Operator
- maintaining accurate records of all RFIs and associated redress applications on behalf of DCP
- ensuring a secure approach to the management of protected information under the NRS.

The formal structure for documenting and managing this process within the RRT will consist of the following components:

Record component	Description
Redress mailbox	A central mailbox managed by the RRT to monitor, track and action all internal and external correspondence relating to the processing of RFIs.
Redress register	A consolidated record of the status of all current and historical RFIs and the outcome of related redress applications.
RFI cases in progress tracking sheet	A record of all current RFIs being processed, including progress and tracking against deadlines.
Electronic client file	The official electronic file recording electronic copies of information relevant to an RFI and the related redress application, as well as references to hard copy files.
Data file	Files containing consolidated data, including de-identified data, stored for the purpose of meeting reporting requirements.

### 4.2.2 Redress Response Team mailbox

The RRT mailbox may only be accessed by RRT members. All information in relation to a RFI, including protected information, is transited through the mailbox: [DCPRedress@sa.gov.au](mailto:DCPRedress@sa.gov.au). Copies of emails related to a RFI are saved within the relevant electronic client file.

### 4.2.3 Redress Register

The Redress Register is maintained by the Redress Officer (RO). It is used to record the status and relevant details of RFIs received and related redress applications. The Redress Register contains protected information for the purposes of the NRS.

### 4.2.4 RFI cases in progress tracking sheet

The RFI cases in progress tracking sheet records information about the processing status of current RFIs, including:

- allocated worker
- due dates
- priority status.

This information supports the RRT's day-to-day management and oversight of the progress of RFI responses. All RRT staff should update the RFI Tracking Sheet as each RFI is processed. The RFI cases in progress tracking sheet contains protected information for the purposes of the NRS.

### 4.2.5 Electronic client file

Information about each RFI and the associated redress application, including documentation forwarded with the initial request, is saved and stored to an electronic client file created under the applicant's name. This file is the official record and contains protected information for the purposes of the NRS.



## 4.2.6 Data files

Information about the number and status of redress applications received by the RRT is held in data management files. Data is consolidated, de-identified where possible, and stored in an appropriate format to meet internal reporting requirements and the reporting requirements of both NRS and the South Australian Government. The data will also be analysed and used to continually improve internal processes. These data files may contain protected information.

## 4.3 Procedure

### 4.3.1 Receipt of SAR and RFI

The RRT is first advised of an RFI and related application for redress when a SAR requesting information in relation to an RFI is directed via email to the RRT Inbox by the SRRU. The email contains a copy of relevant parts of the original redress application and any supporting documentation provided by the Scheme Operator.

The Redress Officer responsible for monitoring the inbox will review the SAR and create:

- a record of the applicant and the RFI on the Redress Register
- a record of the RFI and the timeframe for production on the Redress cases in progress tracking sheet
- an electronic client file under the applicant's name, including relevant sub-folders.

### 4.3.2 Research and discovery

When the RFI has been recorded, the SAR associated with the RFI is referred to the Redress Research Officer (RRO) for research and discovery. The RRO undertakes searches using relevant, accessible databases to discover current and historical records of:

- the applicant
- alleged perpetrators of abuse named in the application
- any other person connected to the application (where required).

The RRT will advise the SRRU if an applicant is identified as Aboriginal or Torres Strait Islander, for the purpose of additional searches conducted via the Department for Aboriginal Affairs.

All records identified through the discovery process, including physical files and electronic files, as well as the keywords entered as part of the search process are documented on a NRS Records Template. The RRO will then request relevant records discovered to be provided to the RRT so that they can be reviewed. All electronic records relating to the RFI research and discovery process, together with NRS Records Template, are saved in the electronic client file.

### 4.3.3 Completion of SAR

When the research and discovery process has been completed, the SAR associated with the RFI is allocated to either a RO, a Redress Liaison (RL) or Lead Clinical (LC) for completion. That staff member will review the relevant records, seek further information where required and liaise directly with the responsible SRRU officer in relation to the application. This may include, but is not limited to, providing better identification details of an alleged perpetrator for the SRRU to conduct further searches or requesting the SRRU facilitate an enquiry with another agency. The preliminary RFI response will be then completed to a standard that accurately represents DCP records.



#### 4.3.4 Request for extension of time for RFI response

Where an extension of time is required to ensure an accurate and comprehensive response to the RFI, the RRT may request that the SRRU seek an extension of time from the Scheme Operator. Once an extension is approved, the RRT will record the new due date in the Redress Register.

#### 4.3.5 Approval of RFI for submission

When the RFI document has been completed, the Manager, Redress and Information Release (Manager) is responsible for reviewing the preliminary RFI response and forwarding it to the SRRU. The SRRU will review the preliminary response and will insert other relevant information available to SRRU. This may include information relating to previous payments made to an applicant through *ex gratia* or civil claims.

The SRRU will then refer their edited version of the RFI back to the Manager, Redress and Information Release for approval. Once the Manager, Redress and Information Release has approved the final RFI, the SRRU will submit the response to the NRS via the Portal.

A record of any correspondence between AGD and DCP in relation to the RFI's approval process is retained in the electronic client file, including the final submitted RFI.

#### 4.3.6 Alleged abusers identified as DCP employees

As part of the research and discovery process, the RRO must conduct a search on individuals named as alleged perpetrators of abuse in the RFI to determine whether they are a current DCP employee. This includes a check against the Comprehensive Human Resource Integrated Solution (CHRIS 21) system for DCP employees and a general search of SA Connect.

Where an alleged perpetrator is found to be a current DCP employee, the Manager, Redress and Information Release will email the:

- Director, Legal Services
- Director, People and Culture
- Chief Operating Officer
- Chief Executive.

A copy of the NRS application and preliminary information identified by the RRO will be provided. After the SAR has been finalised, the Manager, Redress and Information Release will provide a copy of the SAR to the Director, People and Culture.

The RRT will also make a mandatory notification when required. For further guidance, refer to the [Reporting a suspicion that a child or young person is at risk Procedure](#).

#### 4.3.7 Request for Further Information (RFFI)

If, for any reason, the Scheme Operator determines that further information is required in relation to a redress application, the Scheme Operator may issue a RFFI (also known as an additional RFI). The format of the RFFI may vary and the RRT will provide a timely, accurate response to these requests in an appropriate, corresponding format. The completion, request for extension and approval process for an RFFI will follow the same process as detailed for an RFI.

All documentation relating to the RFFI will be retained within the existing electronic client file.



### 4.3.8 Determination by Scheme Operator

Pursuant to section 29 of the NRS Act, the Scheme Operator must make a determination on a redress application.

An offer of redress contains three components:

1. a monetary payment
2. a monetary payment for counselling and psychological care
3. a DPR.

When a determination is made, the RRT receives (via the SRRU) a written notification of the Scheme Operator's determination of:

- whether or not to make the applicant an offer of redress
- whether DCP is responsible for the abuse and therefore liable for providing redress under the NRS
- the type and amount of redress and the extent of DCPs liability for the costs.

An official record of the determination and any offer made is recorded in the electronic client file and relevant data updated.

The Scheme Operator will issue a further notice to DCP (via the SRRU) when an applicant accepts (or declines) an offer of redress, including detail of which components the applicant has chosen to accept.

All records relating to the determination, offer acceptance or withdrawal advice will be saved within the electronic client file and relevant data updated.

### 4.3.9 Closure of electronic client file

An applicant's electronic file will be closed when the DCP RRT is notified that the applicant has been:

- deemed ineligible to receive an offer of redress
- offered redress and declined to accept a DPR, or
- offered redress, elected to receive a DPR and have received their DPR.

## 4.4 Notifications

The RRT will comply with all notification requirements when processing RFIs, including mandatory notification requirements for all DCP employees. For further guidance, refer to the [Reporting a suspicion a child or young person is at risk Procedure](#).

## 4.5 Record keeping and statistics

The NRS Act authorises a person to use protected information to produce information in an aggregated form that does not disclose, either directly or indirectly, information about a particular person or institution.

The RO is responsible for consolidating and (where practicable) de-identifying data in relation to RFIs to generate accurate statistical information about redress applications issued to DCP to meet internal reporting obligations and the reporting requirements of the NRS and the State Government.



## 5. Compliance, monitoring and evaluation

The Manager, Redress and Information Release has overall responsibility for monitoring implementation, compliance and review of this procedure.

## 6. Related documents

Related documents, forms and templates
Operational Manual for Participating Institutions (August, 2018) (Not publicly available)
<a href="#">DCP Information Classification and Handing Procedure</a>

## 7. Glossary

Term	Meaning
AGD	Attorney-General's Department
DCP	Department for Child Protection
NRS	National Redress Scheme
NRS Act	<i>National Redress Scheme for Institutional Child Sexual Abuse Act 2019 (Cth)</i>
RFI	Request for Information
RFFI	Request for further information
RRT	Redress Response Team
SAICS	South Australian Information Classification System
SAR	State Agency Request
Scheme Operator	National Redress Scheme Operator (currently the Secretary for the Department of Social Services)
SRRU	State Redress Response Unit



## Document control

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