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The New Zealand Family Violence Information Disclosure Scheme Study

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Executive Summary

Research internationally has shown that family violence disclosure schemes are important tools in helping victims and survivors understand the risk they face and empowering them to improve their safety and the safety of their families.

A decade after the FVIDS was launched, it is evident that the scheme is in decline. Rates of application for disclosures and rates of actual disclosures have fallen by almost 75% since 2020 and remain much lower than in other countries. In 2024 only 22.5% of applications resulted in a disclosure.

This study finds that low application and disclosure rates are explained by a combination of the following factors:

- Poor awareness of the scheme amongst the public and the police.
- The lack of an online application form and the requirement for people at risk to meet police face-to-face.
- An excessively legalistic and bureaucratic disclosure process that discourages police from pursuing a FVIDS application.
- A tendency amongst police to direct applicants to do a Google search on their partner instead of seeking a FVIDS.
- Excessively strict disclosure eligibility criteria, which leads police to refuse disclosures to people in long term relationships, people who have some knowledge of their partner's propensity to violence, and ex-partners.
- An excessively risk-averse approach to authorising disclosures, which prioritises the minimisation of legal liability for the police over the safety of people at risk.

Key challenges to the effectiveness of the FVIDS include its grounding in the Privacy Act and the Official Information Act rather than the Family Violence Act, and the central role given to police lawyers in decision-making around authorisation. This has led to a situation in which decision-making is carried out by professionals with little or no understanding of the dynamics of family violence. As a result, FVIDS decision-making is often not responsive to risk.

Policymakers and police leaders should now take the opportunity to work with family violence specialist services to reform the FVIDS, to make it work for victims and people at risk of family violence. Specific changes that should be made include:

- Making the FVIDS consistent with other family violence interventions by grounding it in the Family Violence Act.
- Trusting FVIDS decision-making and authorisation to experts in family violence, for example through existing mechanisms such as Safety Assessment Meeting (SAM) tables.
- Making the FVIDS process inclusive and trauma-informed by minimising the need for persons at risk to have in-person contact with police and by engaging specialist family violence services to provide support to every applicant.
- Improving data collection and monitoring to enable assessment of effectiveness.
- Launching a public awareness campaign and a programme of promotion and training for police and family violence services to increase uptake of the scheme and improve confidence in its implementation.

What is the FVIDS and why was it introduced?

The New Zealand Family Violence Information Disclosure Scheme (FVIDS) was introduced in 2015. It was designed by New Zealand Police and the Ministry of Justice on the instruction of the then National Party government. It followed the launch of a similar scheme in England and Wales two years earlier, known as 'Clare's Law' or the Domestic Violence Disclosure Scheme (DVDS). The DVDS was introduced following the murder of Clare Wood by her partner, a man known to police as a dangerous and serial offender. Following a campaign by Clare's father, a new scheme was introduced to enable police to share information about the criminal history of family violence perpetrators with people to whom they pose a risk. The New Zealand FVIDS enables the same kind of information sharing. Its aim is to support a person at risk of family violence to make more informed choices about whether and how they continue their relationship. Previously, there was no official legal framework for New Zealand Police to be able to share criminal history information with people at risk. The FVIDS aimed to close that gap.

The study

This study was funded by the British Academy as part of a fellowship surveying the implementation and impact of disclosure schemes internationally. Approval was obtained in advance from New Zealand Police and data collection took place in Wellington over 10 days in October 2024 and subsequently online. The findings in this study are based on analysis of the following data:

- Official Information Act data provided by New Zealand Police on FVIDS disclosure rates since 2015.
- 5 in-depth interviews with New Zealand police using the FVIDS.
- 4 in-depth interviews with specialist New Zealand Family Violence support workers with experience of the FVIDS
- 1 in-depth interview with a survivor of domestic abuse who had applied for a disclosure.
- Documents not in the public domain including 'Police Instructions on the FVIDS' and flowcharts illustrating the FVIDS process.

The conclusions are the opinions of the author only and do not represent the position of any other agency or individual.

How do disclosure schemes aim to protect people at risk of violence and abuse?

Since the 2010s, there has been a growing awareness that abusive relationships involve dynamics of power and control. Today, it is widely understood that intimate partner violence typically involves the systematic oppression of the victim by the perpetrator through denial of freedom and autonomy. This means intimate partner violence cannot be understood in terms of incidents physical violence alone. Incidents of physical violence can be a part of an abusive relationship, but they are rarely the whole story. Emotional abuse, isolation from family and friends, financial abuse, sabotage of work and career, sexual harm, coercive control and deprivation of liberty are just some of the behaviours that family violence perpetrators use to assert their control over their partners. The design and implementation of both support services and criminal justice interventions should be grounded in an understanding of these dynamics of power and control.

Disclosure schemes can help counter dynamics of power and control, by undermining perpetrator narratives about why abuse happens and who is responsible for it. Research on family violence shows that one of the strategies deployed by perpetrators to achieve domination and control over their victims is what has become known as the 'monopolisation of perception'.[2] Specific tactics involve minimising or denying the abuse and/or the harm inflicted, gaslighting partners, and blaming current and past victims for causing or deserving the abusive behaviour. As Evan Stark demonstrates in his seminal work on coercive control, perpetrators monopolise perception by imposing their narrative or interpretation of reality on their partner.[3] By undermining a victim's capacity to exercise independent judgements and maintain self-confidence in their own perceptions, perpetrators further entrap them in the relationship.

Evidence from research on disclosure schemes internationally shows that the information shared in a disclosure can counter the monopolisation of perception, empowering and helping improve safety for people in abusive relationships, when it reveals a pattern of behaviour that undermines the perpetrator's narrative.[4] Revealing

[2] Jones A and Schechter S (1993) *When Love Goes Wrong: What to do when you can't do anything right*. New York: HarperCollins; Stark E (2007) *Coercive Control: How Men Entrap Women in Personal Life*. New York: Oxford University Press

[3] Stark, E. (2007) *Coercive Control*, p.262

[4] Research in South Australia found that 99% of people who received a disclosure were satisfied with the service and information provided, 98% reported feeling helped to make decisions about personal safety, and 95% found the disclosure meeting helpful in making decisions about other aspects of

patterns of behaviour is vital because the patterns tend to be repeated in new relationships. Disclosing a pattern of violence, manipulation, and control can reveal to a person at risk that their partner's abuse is not out of character but rather a *modus operandi* or 'way of operating'. Disclosures achieve this in different ways at different stages of an abusive relationship, from the first stages, to when a relationship is entrenched, to separation and even post-separation.[5]

A disclosure at the early stages of a relationship can 'plant a seed' that may help a person recognise the onset of abusive behaviour for what it is, rather than explain it away or accept their partner's excuses. Once a relationship is entrenched, a disclosure that reveals a pattern of behaviour over time can help counter a perpetrator's narrative that they will change, or that they need their partner to stay with them to 'rescue' them, or 'save' them from their demons. A disclosure can show a victim that they are not alone and that the abuse is not their fault, which in turn can reduce the shame and self-blame that is often experienced.[6] Self-blame and shame often involves survivors internalising victim-blaming attitudes and myths, which compounds the negative psychological effects of abuse and is inversely associated with help-seeking. Disclosures that reveal multiple victims can also expose as unreliable a perpetrator's efforts to blame previous victims for convictions or arrests.

In 2009 Fanslow and Robinson asked a representative sample of women in New Zealand about their reasons for seeking help and for leaving or staying in an abusive relationship. They found that 63% of women who did not seek help for their abuse perceived the violence to be "normal or not serious". The next most common reasons for not seeking help were that women were ashamed or embarrassed about the abuse (14.0%), and because they "feared the consequences" of asking for help (6.4%). The study also found that 23.8% of women who ended a relationship

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safety, including children and pets. This study also underscored the value of the disclosure process for people at risk, see Hadjimatheou and Seymour, 2024, at: https://repository.essex.ac.uk/39915/. For findings from England and Wales further supporting this see the following article: Hadjimatheou, K. (2023). Using criminal histories to empower victim–survivors of domestic abuse. *European Journal of Criminology*, 20(3), 1106-1122, https://doi.org/10.1177/14773708221128.

[5] These stages have been conceptualised theoretically as binding, enduring, disengaging, and recovering, though this conceptualisation has been criticised for underestimating the agency of victim-survivors. Arriaga, X., & Capezza, N. (2005). Targets of partner violence: The importance of understanding coping trajectories. *Journal of Interpersonal Violence*, 20(1), 89-99, drawing on earlier work by Landenburger, K. (1989). A process of entrapment in and recovery from an abusive relationship. Issues in *Mental Health Nursing*, 10, 209-227

[6] The largest study of victims and survivors' lived experience perspectives on disclosure schemes, which gathered feedback from over 250 persons at risk, provides strong evidence of this. See Hadjimatheou K., and Seymour, K. (2024) Independent Review of the South Australian Domestic Violence Disclosure Scheme. At: https://repository.essex.ac.uk/39915/

returned because they believed their partner would change.[7] The research recommended measures that improve appraisals of risk and 'provide women with realistic tools for assessing the likelihood of their partner's ability to change'. Disclosure schemes represent one such potential tool.

Disclosures can also be helpful when a victim attempts to end a relationship and afterwards- the 'disengagement' and 'recovery' stages. Research shows that these are the moments when a victim is at the highest risk of life-changing harm or homicide at the hands of a partner or ex-partner. Disclosures can help people understand their partner or ex-partner's pattern of escalation post-separation. They can provide information that supports victims and survivors to stay away when a partner is trying to persuade them to return. And they can help inform decisions about what safety measures to take, such as intervention orders, safety plans or alarms. This can be very important when contact between a victim and perpetrator is likely to persist due to children or shared financial assets, as these connections are often used by perpetrators as opportunities to continue the abuse. Research conducted in the USA found that only half of women who were killed by an intimate partner had accurately predicted the risks associated with their situation.[8]

The potential benefits of disclosure schemes can only be achieved if both current *and* ex-partners are considered eligible for disclosures, because of the persistent risk faced by ex-partners. In addition, disclosures will only reveal a pattern of behaviour if police can legally disclose reported crimes and allegations as well as convictions. Only a tiny minority of reported family violence incidents ever result in a conviction (less than 5% in England and Wales in 2024- comparable figures for New Zealand are not available).[9] This is why it is important for police to be empowered to disclose any behaviours that indicate risk, rather than merely those which are proven in court. Research shows that disclosure schemes that limit information sharing to proven crimes or unspent convictions miss important opportunities to protect people at risk.[10]

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[7] Fanslow, J. L., & Robinson, E. M. (2009). Help-Seeking Behaviors and Reasons for Help Seeking Reported by a Representative Sample of Women Victims of Intimate Partner Violence in New Zealand. *Journal of Interpersonal Violence*, 25(5), p.947. https://doi.org/10.1177/0886260509336963

[8] Campbell, J. C. (2004). Helping women understand their risk in situation of intimate partner violence. *Journal of Interpersonal Violence*, 19, 1464-1477. https://doi.org/10.1177/0886260504269698

[9] Ministry of Justice publishes data on charges and convictions but not analysis of these figures or comparison to police recorded crime, here: 1dVCOs_Offences-related-to-family-violence_dec2024_v1.0.xlsx

[10] Hadjimatheou, K., & Grace, J. (2020). 'No black and white answer about how far we can go': police decision making under the domestic violence disclosure scheme. *Policing and Society*, *31*(7), 834–847. https://doi.org/10.1080/10439463.2020.1795169

Research also shows that the process of applying for/receiving a disclosure can itself be an important opportunity to improve safety and empowerment- when designed and managed well. A good disclosure process is one which prioritises the safety and autonomy of people at risk and which is trauma-informed. In practice this means recognising and planning for the fact that people may have reasonable concerns or fears about engaging with police. A good disclosure scheme minimises the need for in-person or direct contact with officers, ensures that officers delivering disclosures are specially trained in family violence, coercive control, and trauma-informed practice, and makes sure they are not presenting at meetings in uniform. It also means arranging a safe time and place for disclosure and ideally having a support worker attend to help the recipient deal with the fallout from the information and plan for safety. The process of applying for and receiving a disclosure should be non-judgemental, and recipients should not be pressured to report their partner or to end the relationship.[11] Finally, disclosure scripts should be drafted and communicated in ways that are accessible for people with a first language other than English, or who have trauma or a neurodivergence.

Research from Australia and the UK found that the significant majority of people seeking a disclosure had neither reported to police previously nor sought support from specialist services for any abuse they suffered. Disclosure schemes therefore represent a recognised resource and opportunity for police and family violence services to reach vulnerable people not currently receiving support.

How does the New Zealand FVIDS process work?

FVIDS disclosures can be requested by members of the public who are worried about their safety in a relationship, or by a third party who has concerns (‘reactive’ applications). They can also be offered proactively to a person police identify as being at risk (‘proactive’ applications). Members of the public can make reactive applications by calling the police on the phone or by attending a police station. Proactive applications are typically initiated by police, when an officer becomes aware that a person with a history of family violence has started a new relationship and poses a threat to their new partner. FVIDS disclosures are handled at the level of police districts, of which there are 12 in New Zealand.

[11] Fanslow and Robinson’s study (cited above) found that over 26% of women who stayed did so in part because they loved their partner. The disclosure meeting should involve a process of listening, so that police and specialist services can support the person at risk to make decisions that respect their choices and preferences.

The application process differs for reactive and proactive disclosures. For reactive disclosures, police follow up the initial application with a further in-person meeting with the applicant. The aim of this meeting is to verify identity and 'the veracity of the request', assess risk, and carry out safety planning. For proactive disclosures, a family violence police officer makes the application themselves. For both reactive and proactive disclosures, the police officer carries out research on their data systems and makes a decision about which information they think should be disclosed. The reasoning for that decision is set out and justified in a detailed, structured way in a form which constitutes the application for disclosure. That form is then submitted to a decision-making panel composed of at least 3 people: the family violence officer who is submitting the application, a police officer at the rank of inspector or above, and a police legal advisor. The panel makes the final decision on whether a disclosure is warranted under the law, and the authorisation to disclose is made by the senior officer. The wording of the disclosure must also be approved by the panel before the script can be delivered to the person at risk. The process should take no more than 20 days from the submission of the application to the disclosure being delivered, according to FVIDS Police Instructions.[12]

If a disclosure is approved, the person at risk is contacted and invited to a face-to-face meeting with police to receive it. In some districts this meeting takes place at a police station, but in others it may take place elsewhere. For reactive disclosures, there is no requirement for police to arrange for a family harm practitioner to attend the meeting to support the recipient (there does not seem to be any established practice for third party applicants). But for proactive disclosures, the presence of a family harm practitioner is required.[13] This presence is important because the person at risk has not requested the disclosure and will therefore be neither emotionally nor psychologically prepared for what they hear.

In both proactive and reactive cases, the person at risk must sign a legally binding confidentiality agreement before receiving the disclosure. This agreement states that they will not share the information disclosed to them beyond what is necessary to keep themselves and others safe. Once the confidentiality agreement is signed, the disclosure script is read out verbatim by the officer. As with disclosure schemes in other countries, the person receiving the disclosure is not permitted to take notes, read the script, or take a copy of the written text away with them. This is standard

[12] England and Wales and South Australia have similar statutory times to disclosure of 28 days.
[13] According to the FVIDS Police Instruction document.

practice across all countries which operate such schemes. It reduces the risk that the information will be inadvertently accessed by a third party or otherwise shared beyond what is necessary for the prevention of harm.

For both reactive and proactive applications, police can make an emergency disclosure if there is an urgent need to prevent harm. In such cases, an expedited disclosure process is triggered (flowcharts for the non-urgent and urgent FVIDS process are provided in Appendix 1 of this report). The FVIDS Police Instructions state that urgent responses should be provided within 24 hours and that a support agency representative should be sought to attend the disclosure meeting to provide support after the information has been shared.

The table below summarises the disclosure process for both reactive and proactive applications.

Table 1. Steps to disclosure

Reactive	**Proactive**
Initiated by member of the public	Initiated by police
Form completed in person or on the phone with police officer	Research on police systems and form completed by police officer
Follow-up meeting to verify identity of requestor and veracity of application	
Research on police systems	Form and draft disclosure script prepared by police officer
Form and draft disclosure script prepared by police officer	
Application presented to Panel (Legal Advisor and Senior Officer) for decision. Legal test based on Official Information Act	Application presented to Panel (Legal Advisor and Senior Officer) for decision. Legal test based on Privacy Act
Disclosure made face-to-face with person at risk*	Disclosure made face-to-face with person at risk, with attendance of family violence practitioner*
*some districts allow a support person to attend the disclosure but others do not	

Who is eligible for a disclosure and what information can police share?

Eligibility criteria for a FVIDS are derived from two pieces of New Zealand legislation. For reactive disclosures, eligibility is determined by the 1984 Official Information Act. For proactive disclosures, it is the 1994 Privacy Act. Appendix II below provides a summary of the relevant legal provisions.

The eligibility criteria for a FVIDS are listed below. The criteria are drawn from the 'Police Instruction on the FVIDS' document as well as the qualitative interviews carried out with police for this study. The interviews are important in revealing how considerations about eligibility are determined in practice.

1. **Only persons at risk whose safety is at 'serious threat'** can receive a disclosure, meaning low and medium risk cases are excluded.

2. **Only persons in 'new' relationships** are eligible. Ex-partners are excluded on the basis that the information would not help them make any further decisions about the relationship. Long-term partners are excluded on the basis that they already know enough about their partner's propensity to violence, and that a disclosure will add nothing of value.

3. **Only persons at risk who do not know about their partner's criminal history** are eligible for disclosures. If police ascertain that a person at risk is already aware of their partner's propensity to violence, either through friends or family, online, or through personal experience, a disclosure is not pursued.

4. **Only information that is not already available elsewhere** can be disclosed. In New Zealand detailed descriptions of crimes that have resulted in a conviction are often published in the press. When police consider that these sources provide 'enough' information to indicate a propensity to violence, they decline the disclosure. Instead, they instruct the person to Google their partner and read the media reports.

5. **Only police records relating to violence** can be disclosed. Coercive control, emotional, psychological or economic abuse and other non-violent but abusive behaviours are not disclosed.

6. **Only convictions *or* behaviour that led to a conviction** can be disclosed. Convictions are a matter of public record in New Zealand. Therefore, sharing them does not risk infringing or violating the Privacy Act. Allegations and reported crimes that do not result in a conviction receive greater protections under the law. Police participants from some districts in this study reported that they do sometimes disclose reported crimes, but only when the behaviour can be connected to acts for which there was a conviction. 'Connected to' here

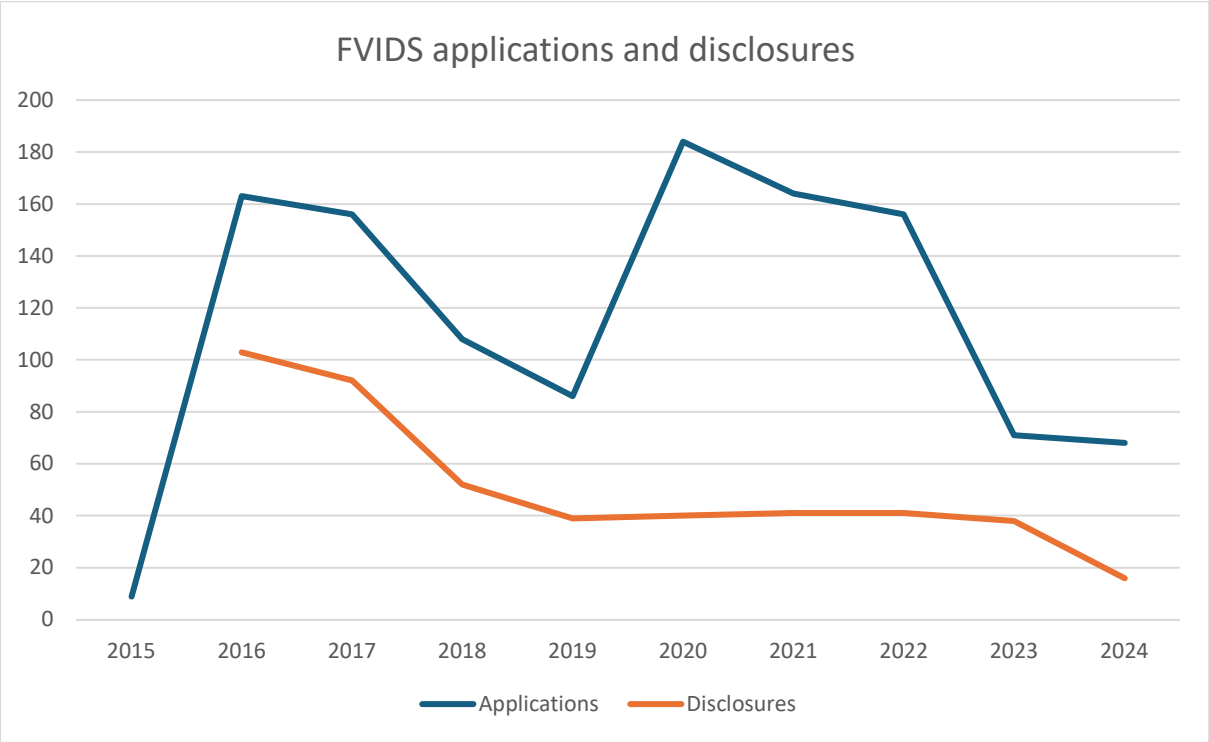
means to be part of an escalation pathway towards behaviour that resulted in a conviction.

The FVIDS is more restrictive in its eligibility criteria than nearly all other disclosure schemes. In all UK jurisdictions ex-partners are eligible. In UK and Australian schemes, reports, allegations and intervention orders can be disclosed. In no other jurisdiction are those in longer-term relationships excluded on the basis that they would be expected to already know the risk they face.

How is the New Zealand FVIDS being used in practice?

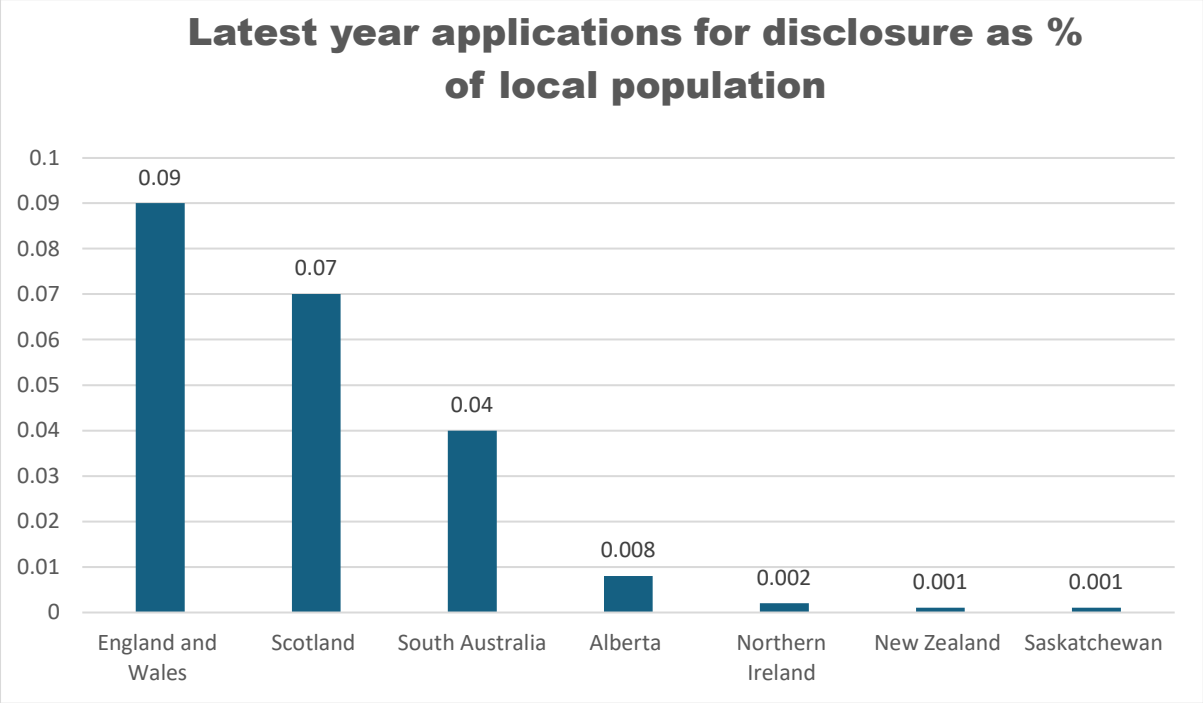
Data from New Zealand Police shows that applications and disclosures have been falling in recent years. The table below shows the rate of applications and disclosures since 2015. The data shared by the police does not distinguish between reactive and proactive applications.

Fig.1. Total FVIDS applications and disclosures since 2015



Comparisons with data from other countries shows that the New Zealand FVIDS is used far less than most other disclosure schemes.

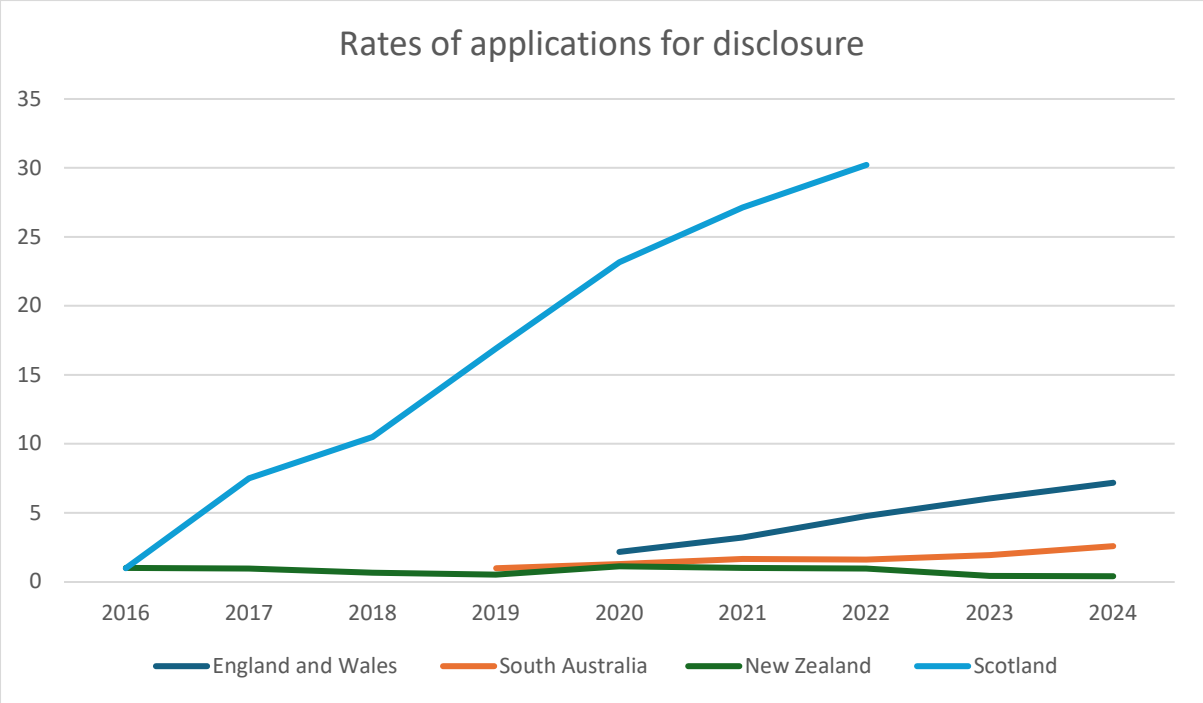
Fig.2 International comparisons: applications for disclosure as a percentage of the population[14]



The comparatively low use of the FVIDS is surprising because one would expect police and public awareness of the scheme to have grown in the decade since its introduction. The New Zealand FVIDS has been in place longer than any other disclosure scheme apart from that introduced in England and Wales. Most other disclosure schemes have seen significant rises in demand year-on-year as both public awareness and police confidence in implementing the scheme grow. This trend is not replicated in New Zealand, as illustrated in the table below.

[14] Population is used as the comparator rather than rate of reported incidents of domestic abuse/family violence due to significant divergences between jurisdictions in how abuse is legally defined and recorded. Sources for the data are a mix of official statistics, police/government reports, and responses to Freedom of Information or Open Information Access requests. Sources are as follows: England and Wales: https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseandthecriminaljusticesystemappendixtables; Scotland: https://www.scotland.police.uk/spa-media/m2sp4wf4/23-0716-dl-response.docx; Alberta: https://www.cbc.ca/news/canada/edmonton/domestic-abuse-clares-law-alberta-1.6330387#:~:text=In%20making%20a%20Clare's%20Law,people%2C%20or%2042%20per%20cent ; New Zealand: OIA request data shared with the author, also publicly available at: https://www.thepost.co.nz/society/350240563/very-few-kiwis-asking-about-their-partners-pasts-despite-law-change; Saskatchewan: https://pathssk.org/wp-content/uploads/2024/10/Clares-Law-Annual-Report-2023.pdf; Northern Ireland: https://www.irishnews.com/news/northern-ireland/fewer-than-20-of-requests-for-information-granted-under-early-warning-domestic-abuse-scheme-OTY3Z63Y35AQDDZBQXEMJVPYEA/

Fig.3 Rates of applications for disclosure in international comparison[15]



As this graph shows, the last two years have seen a sustained reduction in the number of applications for the FVIDS. The figures record a drop from 156 in 2021 to 71 in 2022 and to 68 in 2023. Disclosures made have also remained low over the last 5 years. In 2024 only 22.5% of applications resulted in a disclosure.

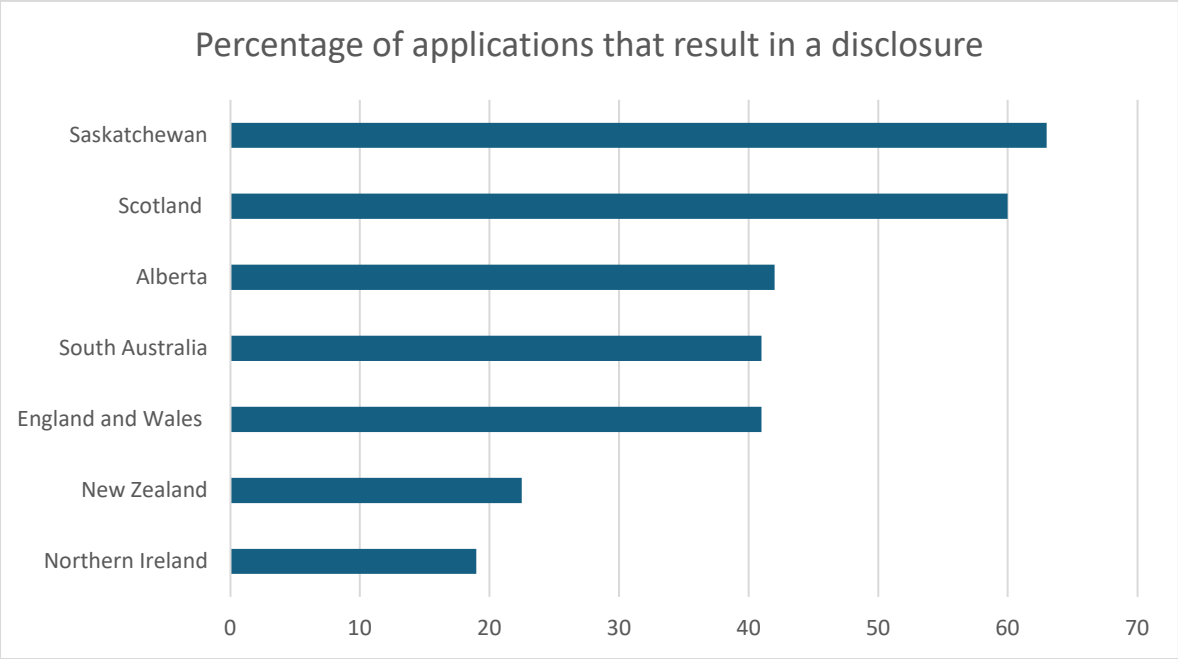
This relatively low figure cannot be explained in terms of the eligibility of applicants for disclosure. In New Zealand, nearly all applications ('99%' in the words of one officer) come through the 'proactive disclosure' route, that is, from police themselves. Police officers would only be likely to pursue an application for cases they already consider to be eligible. Neither can it be explained by the lack of relevant criminal history about the subject of a disclosure, because again police would only be making an application if they knew there was relevant history to disclose. Therefore, the most probable explanation is that low rates of disclosure are due to the decision of the disclosure panel to refuse an application. As discussed in a moment, this was confirmed in the interviews conducted for this study.

It is not possible to determine from the data how many applications are approved or how many of those approved resulted in an actual disclosure. This is because the OIA response from New Zealand police obtained for this study conflates approval

[15] This graph shows the change in rates for applications in international comparison, not the actual numbers for disclosure.

rates with disclosure rates. The table provided by New Zealand police has 'approvals' as one heading, but the wording that describes this heading states 'number of times information shared', which indicates actual disclosures. It was not possible to gain further clarity from New Zealand police.[16] The below graph compares the numbers under that heading with actual disclosures in other jurisdictions.

Fig.4 Percentage of applications resulting in disclosure in international comparison



For all jurisdictions apart from Northern Ireland, the figures above represent the percentage of applications that resulted in a disclosure for the last available year.[17] For Northern Ireland, the only available figures relate to the whole 6-year period (2016-22) for which the scheme has been operational.

It is important to note that, for all disclosure schemes, the percentage of applications that *results* in a disclosure is likely to be significantly lower than the percentage of applications that are *approved* for disclosure. Many of the disclosures that are approved are never ultimately delivered to the person at risk. This is partly explained by the fact that disclosures offered proactively by police are frequently declined by

[16] When first asked for information for this study via an OIA, NZ police response was that it would only be possible to share the total number of applications because the number of approvals and disclosures was not collated centrally. When it was pointed out in response that NZ police had already shared the number of disclosures with the NZ Post in 2024, that data was then released.
[17] 2023 for New Zealand and Saskatchewan; 2024 for England and Wales; 2022 for Alberta and Scotland.

persons at risk, due to reluctance to engage with police, fear of retaliation by a partner, or not being ready to hear the information. At the same time, some people who apply for a disclosure change their mind about receiving it. Here too the reasons are varied. They include having decided to end the relationship already; having been pressured to make the application by a children's social worker or other third party but not actually wanting to hear it; fear of what will be disclosed; and reluctance to engage further with police.

It is unsurprising that the rate of FVIDS disclosures is comparatively low in New Zealand if the vast majority of applications come through the 'proactive' disclosure process. In proactive disclosures, the person at risk has neither sought information about their partner themselves, nor chosen voluntarily to engage with police about their relationship. They are therefore less likely to be ready or willing to receive a disclosure than a person who has applied on their own initiative through the 'reactive' process. (This may differ for third party applications, but these are not distinguished in the data, nor were they mentioned by any of the officers interviewed for this study). So even when a FVIDS disclosure is approved by the police panel, the person it is offered to may understandably decline to hear it.

What are the challenges to effective use of the FVIDS?

This section provides an overview of issues that arose during the 10 qualitative interviews undertaken with police, family violence professionals, and a single survivor of abuse. Many of the issues raised provide some explanation for the comparatively low use of the FVIDS in New Zealand.

Lack of awareness

All participants interviewed for this study suggested that low rates of reactive applications are due to a lack of public awareness of the FVIDS. Low awareness may be explained in part by the fact that there has been no public information or media campaign about the FVIDS since it was first launched in 2015. A review of news media databases shows that only two articles mentioning the FVIDS have been published since 2016: one in 2017 and one in 2024.[18] Only 12 posts about the FVIDS have been published on Facebook since 2016. A lack of public awareness about the

[18] The two articles are: ForeignAffairs.co.nz, 6 April 2017 (no longer available online); New Zealand Post, 4 May, 2024, at: https://www.thepost.co.nz/society/350240563/very-few-kiwis-asking-about-their-partners-pasts-despite-law-change;

FVIDS means people at risk are not seeking information they are entitled to, information which might keep them safe.

Police awareness of the FVIDS also remains very poor, as reported by every single participant to this study. For example, one officer said that '*frontline officers more likely wouldn't really know about the FVIDS process…*' and another affirmed that '*there's probably not a lot of knowledge amongst our policing staff, not many at all know, even family harm staff…*'. A third officer explained how the lack of knowledge translates into reduced confidence in applying the scheme:

> *There's a lack of knowledge around FVIDS and so a lack of confidence. If there were some good news stories around FVIDS it might get things rolling a bit more. A lot of our staff, even our experienced staff, don't have a lot of knowledge around victims. Our frontline staff are attending family harm incidents all the time, all the time, and they don't have the knowledge to even tell people they can apply for a FVIDS.*

Lack of awareness amongst police was confirmed by family harm practitioners' descriptions of trying to access the FVIDS for their clients. For example, one practitioner said:

> *On the form it says go down to your local police station, ask for this form and fill it out. So I did that. I went to the central police station and there was a police officer behind the counter and he had no idea what I was talking about. So I had to pull up the form on my phone. And he's- 'I've never seen that before'. So I had to explain to him what a FVIDS was. And he's gone- 'I've never heard of that'. Then I spoke to a manager and he's 'I've never heard of that either'. I kind of had to prompt him a bit. He didn't know what to write, what to fill out, he didn't know where to send it to. So I just had to keep referring to the website and saying 'it's this, she needs it because of this' and he was- 'I don't know if I can get this for you due to the Privacy Act'. I was just like, well, that's a disclosure scheme that you've got on your website, you know…I was there for a good two and a half hours and it's probably something that could take ten to fifteen minutes.*

This was echoed by two police participants, who reported that even the commissioned officers who sit on the FVIDS approval panel are not always aware of what the scheme is and how it works. For example, one officer reported:

> *I recall explaining to a commissioned officer what the FVIDS was, he had no idea, so when you're going down that route and it's news to them, well, yeah, that was quite surprising.*

Accessing the FVIDS is difficult

In all countries, the vast majority of people who experience domestic and family violence never report to police. Fanslow and Robinson's 2009 New Zealand study found that only 12.8% of those who had experienced family violence had spoken to the police about it and only 31% were satisfied with the police response.[19] Reluctance to speak to police can be explained by a number of factors, including poor experiences of police contact in the past; fear of being criminalised, humiliated and/or judged; mistrust; a worry that they will be required to report their partner; and fear that others will become aware of their contact with police.

Accessing the FVIDS requires significant and repeated in-person contact with police. To make a reactive FVIDS application, a member of the public must either visit a police station, speak to a member of the police on the street, or phone the police non-emergency number,105. To complete a FVIDS application, a person must have a second, face-to-face meeting with police where their identity and the 'veracity' of their application is checked. Finally, to receive a disclosure, a person must have a further meeting with police. For many people at risk, the requirement for so much police contact will be a significant barrier to seeking or accepting a disclosure. For example, in a survey with recipients of disclosures in one police region in the UK, 30% said they would have declined the disclosure if they had been required to have an in-person meeting with police.[20] Reasons given were anxiety, fear of police, fear of retaliation by the perpetrator, and not wanting children or others to see them communicating with police. In all other jurisdictions that have disclosure schemes, applications can be made online. Where in-person or virtual meetings with police are

[19] Fanslow, J. L., & Robinson, E. M. (2009). Help-Seeking Behaviors and Reasons for Help Seeking Reported by a Representative Sample of Women Victims of Intimate Partner Violence in New Zealand. *Journal of Interpersonal Violence*, 25(5), p.936.
[20] Public Protection Unit, West Midlands Police. 'Does Telephone Disclosure Place Applicants at Risk of Harm?', DVDS Research Project, 24 Nov 2022.

required to receive the disclosure, this is typically limited to one meeting. In South Australia, police attending a disclosure meeting are not in uniform.

On the New Zealand police website, there is no information available online about the FVIDS in any other language but English. This severely limits accessibility for people of other nationalities and backgrounds. As one police officer reported:

> *For people for whom English is not their first language, we've found that our website is horrendous, it doesn't translate, and if you have 'FVIDS' in English and you were to select another language it doesn't automatically translate into that language. It would go back to our homepage and you'd have to start searching again and there was no information about the FVIDS in that other language.*[21]

New Zealand police do not centrally collect data on the demographics of applicants or recipients of disclosures so it is not possible to assess whether the scheme is being accessed by non-English speakers.

FVIDS focuses on disclosing propensity to violence rather than disclosing patterns of abuse

At the start of this report, it was stated that to effectively communicate risk, disclosure schemes should be designed to enable police to reveal patterns of abusive behaviour. The reason patterns are important is that perpetrators of domestic and family violence often explain away, minimise, or deny incidents of violence experienced or heard about by their partner. For example, perpetrators may explain the violence as out of character; a response to trauma, stress, a troubled childhood or mental health struggles; a symptom of alcohol or drug addiction; or the fault of the victim, children or others. *Look what you made me do* is a phrase that encapsulates one typical strategy by which perpetrators shift the blame for abuse on their victims. For these reasons, mere knowledge of a person's *propensity* to abuse is unlikely to be sufficient to counter a perpetrator's narrative or communicate actual risk. Put simply, if a person believes the abuse is their fault, or that they can make it stop by adapting their behaviour to their partner's demands, or that their partner is trying to change or won't do it again, then they are more likely to try to endure it. By revealing

[21] This can be seen by clicking on any of the languages listed in the tab 'Information for non-English speakers' at the bottom of the FVIDS page on the police website: https://www.police.govt.nz/advice-services/family-violence/family-violence-information-disclosure-scheme-fvids

a *pattern* of behaviour across multiple victims, disclosures can counter that justifying narrative and expose the perpetrator as a family violence abuser.

The FVIDS is focused on propensity rather than patterns. This is evident in the eligibility criteria for the FVIDS. As one officer said: '*one of the criteria on the list is, is the person at risk already aware of this person's propensity to violence*?'. In practice, police employ a range of methods to assess if this is the case. For example, if a person at risk has already reported their partner to the police, they are more likely to be deemed ineligible for a disclosure. As one officer explained: '*the criteria says, well, they're getting abused, so they know the information. It seems to be hard to justify [because] they know they're in a violent relationship'*. Another officer described a case in which that a potential disclosure was rejected:

> *The person at risk had been present at one of their arrests [for a family harm incident with a previous partner] and knew he was being remanded in prison, so she must have known enough about the risk to make an informed decision about her safety and so the legal test wasn't met.*

Police also reported that information about a person's propensity to violence is sometimes already freely available online, in which case the person at risk is advised to do a Google search instead of a FVIDS application. Indeed, the very existence of information online is often taken as voiding the need for a FVIDS. For example, one police officer reported:

> *One of our big considerations is what information is freely available to that new partner. So sometimes that may be suggesting for the new partner to Google their partner and they will find a significant amount of history on Google… they'll find enough conviction history for them to be able to make an informed decision.*

Almost everyone interviewed for this study reported that police are far more likely to advise people to 'Google' their partner rather than attempting a FVIDS application. For example, one family harm practitioner said: '*I sent an e-mail to the police asking if I could obtain a FVIDS and how I'd go about it. And my response from police was, 'the first thing we say is to Google them'*.

One problem with advising people to Google their partner is that information online only relates to convictions. It is therefore likely to be much less detailed and relate to far fewer reported incidents than information recorded on police data systems.

Research from the UK showed that 69% of people accessing a disclosure already knew something about their partner's criminal history, but 70% of them said the information they received from police went beyond that they already knew.[22] Convictions may in some cases reveal patterns of behaviour, but they are less likely to do so than disclosures based on police records. What is more, a disclosure scheme that only shares convictions is essentially redundant when, as in New Zealand, convictions are often already in the public domain through media reporting online. Perhaps even more importantly, redirecting applicants to Google squanders an important opportunity to support a person who has made the significant and difficult step of approaching police about their relationship. No one who approaches police with concerns about their safety in an intimate relationship should be sent away without an offer of support.

The focus on propensity in the FVIDS process is also evident in other aspects of the way the eligibility criteria is interpreted. For example, all the police interviewed for this study said that disclosures are only usually considered for people in 'new' relationships. Novelty is not an eligibility criterion in the FVIDS Instructions. But it is being applied as such in practice. When asked why the FVIDS is only for people in new relationships, one officer replied: '*I guess that's just what it's known as being for'*. In practice, interpretations of what constitutes 'new' differ. One officer mentioned 18 months as a rough estimation. Officers further explained that people in long-term relationships would already be aware of their partner's 'propensity' to violence and therefore do not need a disclosure. They also stated that people who have ended or are close to ending a relationship are deemed ineligible for the same reason.

There is no basis in assessments of risk to exclude people in long-term relationships or at the end of a relationship from accessing information about the risk their partner poses. Risk does not decrease the longer a couple is in a relationship. What is more, the end of a relationship is the moment of highest risk for a victim, yet they may be unaware of their (ex)partner's history of escalation of violence and abuse post-separation. As mentioned above, research conducted in the USA found that only half of women who were killed by an intimate partner had accurately predicted the risks associated with their situation (see footnote 8). To be effective, the FVIDS must be responsive to risk rather than arbitrary criteria such as knowledge of propensity to violence or how new a relationship is. Police must be empowered to disclose

[22] Hadjimatheou, Seymour, and Brooker 2024 (forthcoming).

information about risk to anyone who is at risk with confidence in their ethical and legal authority to do so.

FVIDS grounding in the Privacy Act rather than Family Violence Act means privacy is prioritised over safety

Proactive FVIDS disclosures are currently regulated under the New Zealand Privacy Act. This legal framework was designed with the purpose of protecting the privacy of individual citizens from unwarranted intrusion by the state and other actors. It is not a legal framework for the protection of vulnerable people from family violence harm.

The FVIDS grounding in the Privacy Act has at least three problematic consequences. First, it limits the kind of information that police can disclose to convictions or behaviour that can be demonstrably linked to a conviction, thereby concealing risk. Second, it leads to excessively legalistic and risk-averse decision-making, which prioritises the privacy of perpetrators of family violence and the minimisation of legal liability for the police over the safety of people at risk. Third, it results in a paradoxical situation in which family harm practitioners are legally permitted to share all kinds of information with each other for the purpose of assessing risk and preventing harm, yet legally prohibited from sharing that same information with the very person whose safety at risk. As is now discussed in detail, these factors undermine the effectiveness of the FVIDS as a safeguarding tool.

As noted above, FVIDS approval rates are very low both in absolute terms and relative to other jurisdictions. According to police participants to this study, one of the main reasons for this is that it is difficult to meet the legal thresholds under the Privacy Act.[23] The Privacy Act justifies a FVIDS disclosure only as a last resort when all other avenues have been explored. Even then, police are required to limit disclosures to, in the words of one officer, '*the **minimum** information we can supply that we think they'll need to go, yes okay I need to get out of this'*.

In practice, this means that applications for disclosure tend to be rejected for one of two reasons: because there is no conviction to disclose, or because the FVIDS panel deems that the person at risk can be informed of the propensity to violence in some

[23] Officers reported that the FVIDS panel rarely or never questions the fact that the potential recipient is at risk from their partner. Neither do they question whether the subject of disclosure has a relevant criminal history. Both of these criteria are already established by the time the family violence officer submits the application because the preparatory work involves confirming these facts.

other way than through a FVIDS disclosure. The below quote from one police officer describes how their FVIDS panel rejects any proposal to disclose information that has not resulted in a conviction, on the ground that doing so would violate the Privacy Act:

> *When I have to decide to put this before the panel, I have to have some evidence behind me to say we can disclose if there's propensity to escalate the violence and that has led to convictions. So if there's no convictions, then I will emphasise the family harm reports that have come before, and the violence. But at the end of the day, the legal advisor, she'll say, 'has this led to a conviction'? Even the commissioning officer said 'did that lead to a conviction?' That's the response I'll get from the panel. I know that they'll say no. And I'm now telling the SAM table[24] that when you are saying he formed a new relationship, we can't act because all we can disclose is really the convictions.*

Having a conviction for a family violence offence does not by itself make someone a higher risk to their partner than someone who has no convictions but many reported offences. Most people who are reported to police for family violence are never convicted for their crimes. Indeed, high-risk, serial perpetrators with substantial police records typically receive no convictions. This fact informs the design of evidence-based risk assessment tools used by police and family violence services around the world. In fact *all* domestic and family violence risk assessments base judgements of risk on the nature and volume of *reported incidents* rather than convictions. Limiting disclosures to convictions conceals patterns of abuse that could expose perpetrators as family violence abusers and inform people of the risk they face.

One police officer expressed disappointment and frustration with the very conservative approach taken by the FVIDS approval panel, which they saw as undermining the potential of the scheme to reduce risk:

> *And I remember [the FVIDS] coming out and going, 'Oh, wow', reading it and going, 'This sounds great!' And then it was all, when you did the application, proactive or reactive, you had to send it to national*

[24] In New Zealand, a Safety Assessment Meeting (SAM) table, also known as a "SAM table," is a multi-agency platform where government agencies and community partners discuss the needs of families and individuals affected by family violence, particularly those involved in police callouts for such incidents.

headquarters. And I remember the first two I did, and they were, like, 'No, you can't, I'm sorry'. So, I thought, that's useless.

Most officers reported that the FVIDS's grounding in the Privacy Act has led to the establishment of a process focused primarily on avoiding legal challenge to the police by people with criminal histories of family harm. Many of the officers interviewed reported a risk-aversion amongst police around sharing information. For example, one officer said:

The Privacy Act has a legacy of 'you can't tell anyone anything, you'll get in real trouble if you do'. Just seems to be a bit of a cloud, I think, that hangs over us. FVIDS probably fell into that.

Another officer confirmed this, describing how the deliberations of the panel focus on whether disclosing the information might infringe privacy rather than whether it is likely to protect the person at risk:

I definitely encountered that with a commissioned officer and I was surprised at his approach towards it, it was all about covering our backsides and things like that. … It gets presented as a risk to the organisation, I hear that a lot 'there's a risk to the organisation'.

Unlike other schemes, in New Zealand decisions about whether to disclose information under the FVIDS are not made by professionals with expertise in family harm. The FVIDS is the only disclosure scheme globally in which police lawyers are given a decisive role in decision-making around authorisation. Police participants to this study reported that legal advisors on FVIDS panels typically have no understanding of the dynamics of family harm. Even commissioned officers were reported as often being '*not so um, on board with FVIDS or family harm'* or '*not hav[ing] a focus or interest in family harm*'.

While in some districts the family harm officer who compiles the proactive FVIDS application is themselves a member of the decision-making panel, those officers reported that their view does not hold equal weight to the legal advisor. One officer with extensive experience of the FVIDS explained that '*it is a little bit daunting having to call up someone from legal section and try to organise a meeting with them'*. Other police participants described the legal advisor 'rejecting' or vetoing disclosures, indicating that the advisor holds the ultimate authority on FVIDS decisions, even if

this is not formally recognised. For example, one police officer described how their 'police lens', which focuses on reducing risk of family harm, is regularly overridden by a 'legal lens' focused on reducing risk of litigation:

> *I'm going through the police lens, so what I just see is the real threat of life on that person at risk [but] I still have to rely on the policy, you're governed by what the policy says, you're governed by the Privacy Act*

Another officer described how specialist family harm teams felt that more should be disclosed than the legal advice specified:

> *The disclosure, it's done by our family work groups and, and some of them want to say, they want to add, more. But I said no, you have to stick to the script because… then we could be prejudicial.*

The role of legal advisors in making decisions about disclosures also raises issues of accountability for decision-making about risk. The disclosure form also states that the legal advice is 'confidential [and] may be subject to legal professional privilege'. This has the effect of removing any liability from legal advisors for the advice they give even though in practice that advice overrides police judgements. It remains to be seen whether the legal advice provided in the FVIDS panel would be disclosable in a family violence death review. We do not know, for example, if any victims of intimate partner homicide or family violence-related suicide were rejected as ineligible for or declined a FVIDS disclosure. If police are to be held legally responsible for decision-making about FVIDS disclosures, then the decision-making should lie with police. Lawyers should only be consulted in complex or exceptional circumstances.

In 2018, three years after the FVIDS was introduced, the New Zealand Parliament passed the country's first Family Violence Act (FVA). This Act permits the sharing of any information about family violence between practitioners and agencies, if there is a reasonable belief that sharing will help reduce the risk of harm. The wording of the Act states clearly that the prevention of family violence takes legal precedence over confidentiality and the restrictions of the Privacy Act. If the FVIDS is to be an effective tool for informing people of the risk they face, then both the process and the eligibility criteria must prioritise the safety of those vulnerable to family harm. The obvious way to achieve this is to reconceive and redesign the FVIDS as a family harm intervention, grounded in the Family Violence Act. Doing so would also serve to drive a change in the FVIDS decision-making process to ensure that it is undertaken by

police and other experts in family harm who understand the dynamics of coercive control and resistance.

FVIDS decision-making is bureaucratic, legalistic and burdensome

Nearly all police participants to this study expressed the view that the FVIDS form and panel process are excessively bureaucratic and legalistic. They reported that this discourages police from applying for disclosures proactively. They also reported that it prompts police to discourage members of the public from pursuing their own applications.

FVIDS disclosure forms are extremely lengthy, running to more than 11 pages for a reactive disclosure and 13 pages for a proactive disclosure- even before any of the fields have been completed. Completing the forms requires a great deal of preparatory work by the family harm officer, including checking the criminal history of the person at risk, and justifying every step of their reasoning with reference to the Privacy Act or, in the case of reactive disclosures, the Official Information Act. For example, the reactive disclosure form asks police to demonstrate necessity, proportionality, and the public interest in separate fields, even though the reasoning for all three is likely to be identical. It also requires police to capture *verbatim* the reason the applicant gave for wanting a disclosure, the reasoning of the officer who originally received the request, and the further reasoning of the district officer. One officer reported that their attempt to submit a summary of the reasoning rather than verbatim capture was rejected by the legal advisor. These difficulties are compounded by the fact that the form is not saved in a police sharepoint but rather must be emailed back and forth between officers.

While one police officer said the meticulousness of the process helped them feel secure in the legality of their decision-making, most expressed frustration. One said simply '*it's a terrible form'*, while others described the process as '*really time consuming' and 'incredibly difficult and lengthy'*. A further officer explained:

> *It's not an easy simple streamlined process so we chuck it in the 'too hard' basket, it just seems too difficult and the more paperwork we have to do the more it gets to the too hard basket.*

This was confirmed by a family harm support specialist, who said that potential applicants for a FVIDS are often discouraged from doing so by frontline officers:

The officer stated he would look into it but never ended up getting back in contact with me or my client. I unfortunately got the impression that a FVIDS was too much work for him to do and that he didn't want to do it as it's a long process.

As none of the participants to this study were involved in the design of the FVIDS, it is only possible to speculate as to why the process is so bureaucratic. It is likely that the complexity can be attributed at least in part to the core role given to police lawyers and the focus on the need to reduce legal risk. It would be useful to review how processes are designed in other disclosure scheme jurisdictions, and to review how family violence information is shared under the Family Violence Act, to identify potential opportunities to simplify the FVIDS process.

Lack of national monitoring and record-keeping

Very little data is collected by New Zealand police centrally about the operation of the FVIDS, certainly too little to provide any insight into how the scheme is being used or whether it is making any difference to people at risk of family violence. The original OIA request submitted for this study asked for a breakdown of applications according to gender and age of the person at risk, police district in which application was made and whether the application was reactive or proactive. But the OIA response provided by New Zealand police stated that this information is not collected.[25] It further stated that the only data collected centrally is the number of 'FVIDS incidents' (or applications made) and the number of those approved. Yet, as noted above, the tables provided for that data conflate rates of approval with rates of actual disclosure.

The lack of systematic data collection means New Zealand police have no means of assessing the impact of the FVIDS on people at risk of abuse or the take-up by different demographics. Some police officers interviewed for this study said that that they do not receive feedback on what happened following a disclosure. This limits the extent to which police are able to learn from their experience of using the FVIDS and improve their practice.

[25] The response reads: 'Please note that Police holds the total number of FVIDS applications only. FVIDS applications are loaded into the National Intelligence Application (NIA), and each record does not have the ability to be flagged as proactive or reactive. To identify if an application is proactive or reactive, each of the application records in NIA would need to be individually searched to determine if it was noted in the narrative. Proactive and reactive details are not always noted. Therefore your request is refused'.

Conclusion and recommendations

A decade after the FVIDS was launched, it is evident that the scheme is in decline. Public and police awareness of the scheme is waning. Rates of application for disclosures and rates of actual disclosures are dwindling. The FVIDS has the potential to improve significantly victims and survivors' awareness of risk and to counter the power and control exerted by perpetrators of family violence. To achieve this, it must be redesigned to deliver a victim-centred, trauma-informed service that prioritises the safety and empowerment of people at risk over the privacy interests of those with police records of abuse.

Policymakers and police leaders should now take the opportunity to work with family violence specialist services to reform the scheme, to make it work for victims and people at risk of family violence. The process of reform should be consultative, led by experts in family violence both within and beyond the police, and incorporate learning from other jurisdictions. Particular attention should be given to learning from South Australia where satisfaction with the disclosure scheme is extremely high.[26] Specific changes that should be made include:

- The legal basis for the FVIDS should be the Family Violence Act.
- An online application process should be introduced with a simplified FVIDS form for police.
- The appropriateness of a FVIDS disclosure as a safety option, and decisions on eligibility and on the wording of scripts should be made by experts in family violence, for example through existing mechanisms such as SAM tables.
- The FVIDS process should minimise the need for contact between persons at risk and police.
- A legal basis for the confident sharing of non-conviction data and patterns of behaviour should be established to empower police to communicate risk.
- Specialist family violence services should be engaged to provide support to every applicant, or at the very least everyone who receives a disclosure.
- Police should collect data monitoring demand for the FVIDS, demographics of applicants and recipients, previous experiences of abuse and help-seeking of applicants and recipients, rates of application, approval, and disclosures made, impact of disclosures on safety and empowerment and satisfaction with the process. A review of the newly-designed scheme should be undertaken, on the basis of this data, after one year.

[26] Hadjimatheou K., and Seymour, K. (2024) Independent Review of the South Australian Domestic Violence Disclosure Scheme. At: https://repository.essex.ac.uk/39915/.

- A public awareness campaign and a programme of promotion and training for police and family violence services should accompany the re-launch of the FVIDS.

Acknowledgements

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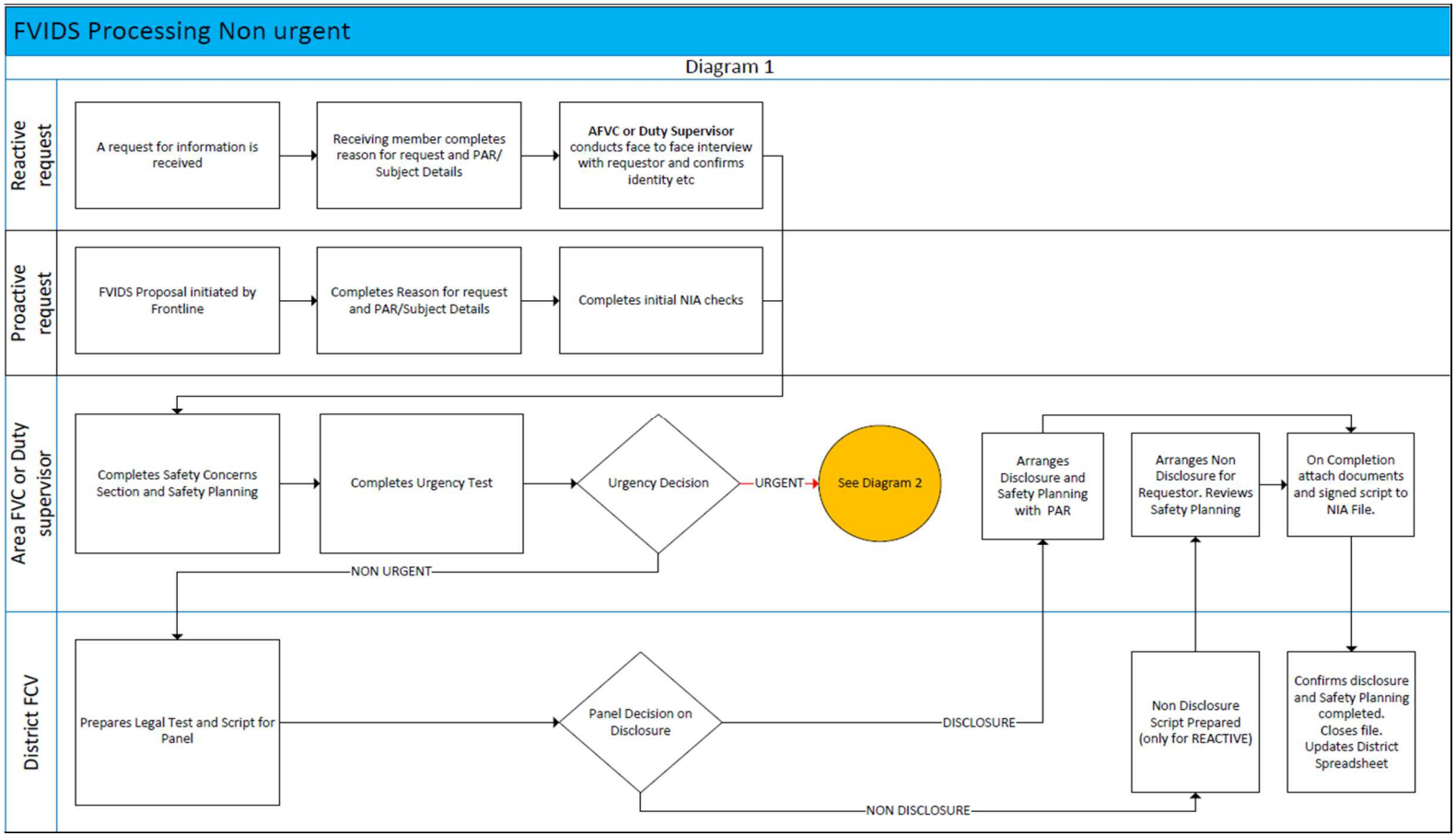
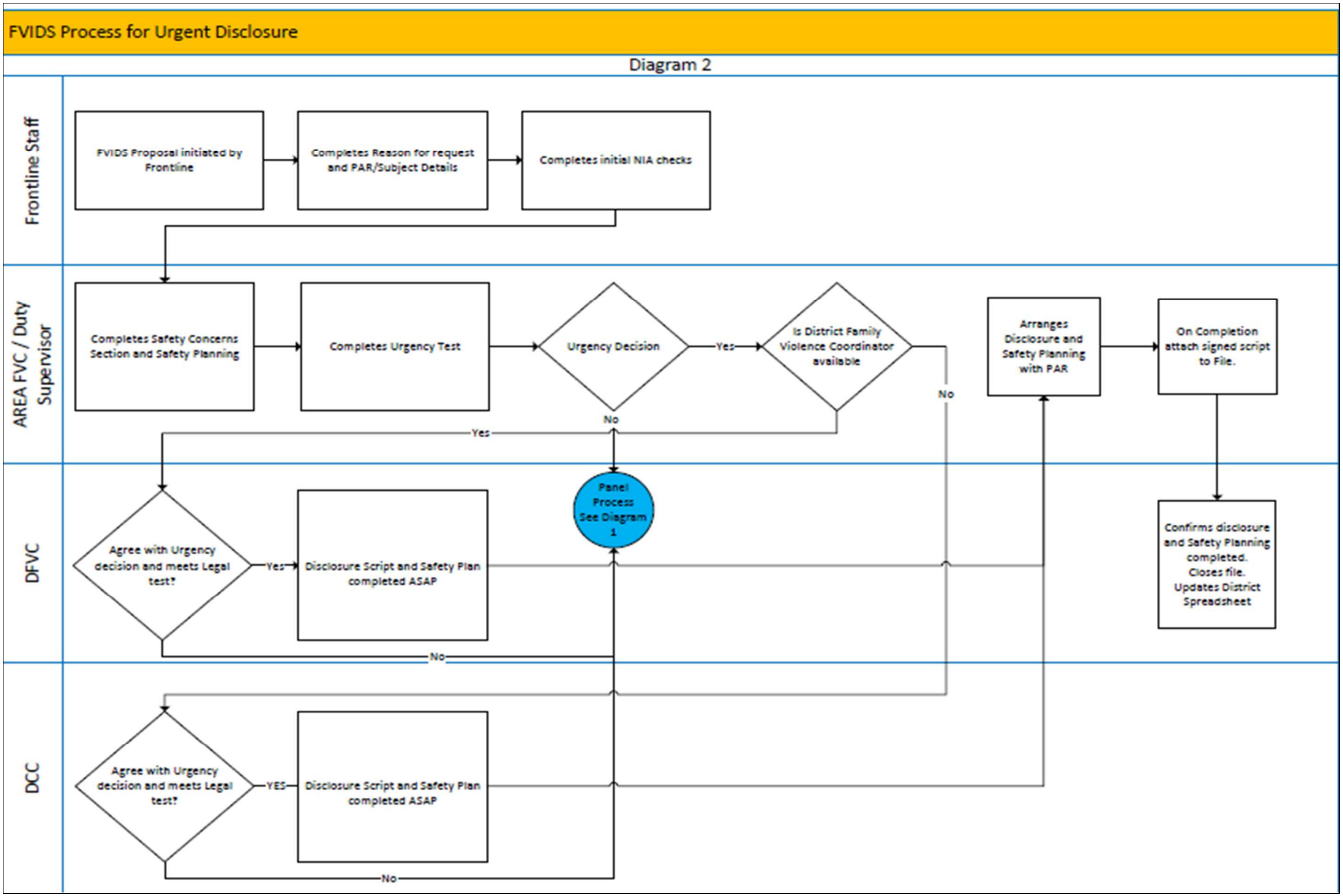
Appendix I. Urgent and non-urgent FVIDS process charts




FVIDS Process for Urgent Disclosure
Diagram 2
Frontline Staff
FVIDS Proposal initiated by Frontline
Completes Reason for request and PAR/Subject Details
Completes initial NIA checks
AREA FVC / Duty Supervisor
Completes Safety Concerns Section and Safety Planning
Completes Urgency Test
Urgency Decision
Yes
Is District Family Violence Coordinator available
No
Yes
No
Arranges Disclosure and Safety Planning with PAR
On Completion attach signed script to File.
DFVC
Agree with Urgency decision and meets Legal test?
Yes
Disclosure Script and Safety Plan completed ASAP
Panel Process See Diagram 1
Confirms disclosure and Safety Planning completed. Closes file. Updates District Spreadsheet
No
DCC
Agree with Urgency decision and meets Legal test?
YES
Disclosure Script and Safety Plan completed ASAP
No

Appendix II Summary of Relevant Legislation

Family Violence Act 2018

Allows personal information about victims or perpetrators of family violence to be …shared (i.e. requested and disclosed) between duty holders in order to:

- make, or contribute to, a family violence risk or need assessment; and/or
- make, or contribute to the making or carrying out of, a decision or plan that is related to, or that arises from or responds to, family violence; and/or
- help ensure that a victim is protected from family violence.

Before disclosing personal information to an agency or practitioner, the holder of the information must believe on reasonable grounds that the disclosure will or may help the recipient duty holder to use the personal information for all or any of the purposes specified above.

The principle that helping to ensure that a victim is protected from family violence should usually take precedence over both any applicable duty to keep the information confidential and any limits in the Privacy Act

Official Information Act, 1984

Privacy Interest Test

- Is the information relevant to the purpose of the request (i.e. prevent serious threat to safety, does it relate to violence?)
- Do you need to check that the information is accurate and not misleading?
- What's the level of privacy interest?
- (a) Is it highly personal or sensitive (e.g. intimate details of a previous relationship, mental health information, personal information about previous partners)?
- (b) Has it already been through an open court process (e.g. conviction information is likely to have a lower privacy interest than the examples in the previous question)?
- Does suppression or clean slate apply?
- Does the requester already know about the information, such as convictions, but not the relevant context and details?

Public interest test

- Is the public interest in protecting the public or individuals from harm applicable?
- Are there other public interest considerations that apply?
- How strong or high is the public interest?
- Are alternatives to disclosure available which will meet the public interest?
- Does the information indicate a one-off incident or a pattern of behaviour?
- Does the public interest in disclosure to the requester outweigh the privacy interest?

Proportionality test

What is the minimum information that you believe should be released to achieve the purpose of keeping the person safe from harm?

- Is it necessary to release all the relevant information?
- Can the purpose be achieved by a limited disclosure (excluding, for example, intimate details of a previous relationship)?
- What is the minimal amount of information which, if disclosed, would be likely to achieve the purpose of preventing harm?

Privacy Act, 1994

Reasonable belief test

Do you believe on reasonable grounds that the person needs information about their partner's offending history to prevent or lessen a serious threat to the person's safety?

Necessity test

Do you believe it is necessary to release information to prevent or lessen the identified threat?

- Is the person likely to know the information already?
- Are other options available - e.g. approaching the person about whom the information is requested to allow them an opportunity to disclose to their partner, or obtaining their consent to disclosure; telling someone else who is better placed to achieve the purpose of preventing harm?
- -Are there prohibitions on disclosure such as suppression or clean slate (in which case the risk may require reassessment, and a limited disclosure or warning considered)?

Proportionality test

What is the minimum information that you believe should be released to achieve the purpose of keeping the person safe from harm?

- Is it necessary to release all the relevant information?
- Can the purpose be achieved by a limited disclosure (excluding, for example, intimate details of a previous relationship)?
- What is the minimal amount of information which, if disclosed, would be likely to achieve the purpose of preventing harm?