

# How to access your care records

The Royal Commission found that many survivors had difficulty accessing their records. The issues included lengthy delays; or getting incomplete or heavily redacted information.

[The Crown Response Unit and Archives New Zealand are working together](#) to make it easier for survivors of abuse to access their personal records while they were in care.

The following information helps explain the records and redactions process.

## What records can be requested

You can ask for records about your time in care from the organisations that hold records about the institutions where you stayed. Advice to ask for your records is below and [is also available in alternate formats](#).

You have the right to ask for any personal records made about your time in care. When asking for your information provide as much detail about your time in care, such as:

- where (you spent time)
- when (the time period you were there)
- what type of information you are looking for.

Visit [Archives NZ](#) to find out which agencies control records about which different care settings. You may need to ask more than one agency for your information.

Contact details for the main government care agencies are on [our website](#).

## What happens when I request my records

When making your request you may:

- be asked for proof of your identity, usually a passport or a New Zealand driver's licence
- receive confirmation your request has been received
- receive a response within 20 working days of your request being received and be provided an expected timeframe for the delivery of your information.
- be contacted by the organisation if they need more details to find your information or to understand more about what information will be most useful and meaningful to you.

The organisation will:

- search the records available to find the information about you
- read through the information to decide what, if anything, needs to be redacted
- send the information to you.

## Redacted information

Sometimes, some words, sections or even pages in these records need to be redacted or blacked out because leaving certain words in the document would break the law.

The Privacy Act 2020 is the main law that sets out your rights to your information.

The organisation you request information from must provide your records to you in full, unless there is a legal reason not to. Organisations must provide you this reason.

If you are concerned an organisation has redacted information you should have been given, contact them directly. The organisation might be able to explain in more detail why they decided that the information couldn't be legally released.

If you and the organisation can't agree on the release of information about you, you can make a complaint to the Privacy Commissioner:

- **Mail:** Privacy Commissioner, Office of the Privacy Commissioner, P O Box 10-094, Wellington 6143
- **Email:** enquiries@privacy.org.nz
- **Website:** www.privacy.org.nz

If your complaint relates to information held by a government agency, you can make a complaint or seek an investigation and review of the agency's decision by the Ombudsman:

- **Mail:** The Ombudsman, Office of the Ombudsman, PO Box 10-152, Wellington 6143
- **Email:** info@ombudsman.parliament.nz
- **Website:** www.ombudsman.parliament.nz

## Redactions for privacy

The [shared redaction guidance document \[PDF, 206 KB\]](#) helps staff in the organisations or government agencies decide whether to redact information that has been requested by care leavers.

A care leaver is a person who was in the care, custody, or came to the notice of an organisation that was responsible for their wellbeing, including those in:

- foster care
- orphanages
- children's homes
- residences
- psychiatric, psychopaedic, deaf or disability institutions
- schools.

Redactions are usually made to protect another person's privacy. When care records are created, other people's information is often recorded along with your own. Common examples of this for care records are:

- Some organisations create files about a whānau, meaning the file could include sections about your parents, siblings, and other whānau members which have no information about you.
- Some organisations create files based around an institution or school rather than a person in care. This means the files have information about many care leavers combined together (for example, a school roll or daily logbooks).

The law says that the privacy of those other people must be protected.

Staff have to make judgements about what is unwarranted sharing of another person's information.

Staff ask themselves questions when deciding whether to redact information for privacy reasons, including:

- Is the information also about the care leaver?
- Would it matter to the other person whether their information is shared?
- Could someone be harmed if the information is shared?

Certain types of private information about other people can usually be released in a care record. Here are some common examples:

- The information is already known by the care leaver.
- The information is not "private enough" to be redacted.
- The information is about a professional working with the care leaver.

## Other reasons for redactions of your records

There may be other reasons why an organisation might have to redact information in your files. The 2 most common reasons are:

- when the information is legally privileged. In most situations, the organisation must redact any information that is legally privileged.
- when your files contain court documents.

There are 2 types of legal privilege:

1. Solicitor-client privilege stops the organisation from sharing communications between the lawyers who work for the organisation (the solicitors) and the staff members of the organisation (the clients) which are meant to be confidential. This can be information which is sent by staff asking for legal advice and information sent by the lawyers who are giving their advice.
2. Litigation privilege stops the organisation sharing information which was mainly created to prepare for court. This could be information about an upcoming court case shared between lawyers or other staff members of the organisation.

There are other laws that can stop an organisation from sharing your information. Common examples of this are reports from social workers or psychologists that were asked for by the Court. These reports are controlled by the Court and the organisation is not allowed to share them.

If your records have court documents that an organisation can't send, you can contact the courts directly on 0800 224 733 to ask for copies of the documents.

## How you will receive your records

Each organisation has different ways it can send you your information. Let the organisation know what form you'd prefer to receive your records in. You could:

- have a paper copy of your information sent by courier to your house or to another safe address
- receive an email with a digital copy of your information attached
- have the information sent to a trusted person (for example, your lawyer or your counsellor)
- download a copy of your information from a secure website.
- ask for the information in a more accessible way.

## Record-keeping issues

In the past, organisations focussed on recording what they needed for administrative and operational purposes, rather than keeping a full and accurate record of all events during your time in care.

## You may remember something that isn't in your records

Your memories and experiences may be different to the information recorded in your files as the records were created by and written from the point of view of the people involved in your care at the time.

## There may be less information than you expected or your records may also be lost or destroyed

In this case, the organisation should help you understand why this might happen, including if your records are recorded as being lost or destroyed.

The records kept and the information recorded will vary depending on:

- when you were in care
- what sort of institution or care setting you were in
- which laws told the organisation how it should create and look after your records
- the personal habits of different staff members writing and keeping records.

## You may not like the way they talked about you or your whānau

Guidance for how professionals write about people in care and their whānau has changed over time.

Older files sometimes contain language that is negative, judgmental, and even offensive.

It may be upsetting to read how the people who were responsible for your care wrote about you and your whānau in this way.

The way you're written about on your records doesn't define you. It's only one perspective written by people who may not have known your full story and may have only seen you and your whānau in your difficult times.

## Your records may be incorrect


You have a right to ask the organisation that holds the records to correct information if you think it's wrong. This could include:

- your date of birth
- the spelling of your name
- changing the information to say something else
- removing it altogether
- adding information so the record is correct
- adding a 'statement of correction' to your record.

The organisation might decline to make a correction because it believes the information is correct or is unable to amend a historical record.

If this happens, you have a right to complain to the Privacy Commissioner. **Who could support me in reading my files**

Some care leavers find reading their files to be a difficult and re-traumatising experience. You may hope to find detailed records which answer questions about your time in 'care' and fill in any gaps in your memory. However, it can be a shock if you receive records that don't meet your expectations. You may also find more than you expected.

It can be helpful to go through your files or discuss them with someone you trust. This could be a counsellor, friend or whānau member. Find out [what support is available to you](#)  from government agencies or community services.

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