

**Investigation into a former youth worker's unauthorised
access to private information about children**

September 2022

**Ordered to be published
Victorian government printer
Session 2018-22
P.P. No. 393**

Accessibility

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The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria. This respect is extended to their Elders past, present and emerging. We acknowledge their sovereignty was never ceded.

Letter to the Legislative Council and the Legislative Assembly

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973* (Vic), I present to Parliament my *Investigation into a former youth worker's unauthorised access to private information about children*.



Deborah Glass OBE

Ombudsman

14 September 2022

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Warning: This report discusses sexual assault and may be distressing to some readers. If you find the report’s content distressing and need support you can contact the following services.

The Sexual Assault Crisis Line:

- phone: 1800 806 292

Lifeline:

- phone: 13 11 14
- text message: 0477 13 11 14

Foreword

“ I wanted information. I wanted to know everything. What information could be seen? How worried should we be that [Alexander Jones] was able to make good on the threats to my son ... We were walking on eggshells, and my son didn't want to leave me in the house by myself either for fear I could be hurt. ”

- Zack's mother

The sexual assault of a child by a former youth worker, a person once placed in a position of trust, is inherently shocking. But the impact on one family went far beyond the assault.

In February 2021, a former youth worker, Alexander Jones, was convicted of sexually assaulting a child we refer to as 'Zack'. After his conviction, the media reported that Jones had misused credentials provided by his former employer, Melbourne City Mission, to access sensitive information about children, including Zack.

The media also reported that the Department of Health and Human Services misled Victoria's Information Commissioner about the extent to which it had notified those affected by the data breach, and that management at Melbourne City Mission were aware of concerns about Jones.

Following these reports, I decided to investigate how Jones came to be employed to work with children and young people; what information he actually accessed; and whether authorities did enough to identify and support those affected by his conduct - including whether they gave proper consideration to human rights.

The impact on the family was huge. Zack's mother was not only dealing with the aftermath of a sexual assault on her child but was also concerned about Jones's access to Zack's information.

She sought answers from official sources and was provided inaccurate and contradictory information. She was told Jones was able to access all of Zack's details and case notes - as well as information about other family members. This was incorrect and significantly contributed to her safety concerns.

As a result, she moved her family at considerable inconvenience and emotional cost. More contradictory information followed, by which time Zack's mother did not know what to believe.

Ultimately, I found that Jones did not access Zack's information. Yet the family's longstanding suspicion was entirely understandable, and the Department's poor communication plainly undermined its commitment to transparency following the data breach, not to mention its responsibility to support a victim-survivor.

But how did Jones get a job working with children in the first place? When he applied for a job in Victoria he was already the subject of multiple serious interstate child protection concerns and Apprehended Violence Orders. But because he was never charged with a crime, these did not appear in his national police check, nor were they disclosed to Working with Children Check Victoria.

Even more remarkably, the inadequacies in Victoria's child safety screening legislation mean that these prior investigations would not have been grounds to refuse Jones a Working with Children clearance, even if the screening authority had been aware of them.

Jones was never qualified to work with children. He deceived Melbourne City Mission about his employment history and qualifications. Red flags emerged early in his employment but did not result in further scrutiny of his background - even when his behaviour was clearly at odds with the standards expected of a qualified and experienced case worker.

Jones's access to confidential client information should have been revoked when he moved to another job in July 2017. But his account remained active until October 2018, when the data breach was identified. In that time, the Department received multiple child protection reports about Jones, who, it turned out, was regularly using his former credentials to access information about vulnerable young people.

Also in that time, Jones sexually assaulted Zack. Zack recalled Jones claimed to be a former Marine who knew all about him, proving this by reciting private information about another young person known to Zack.

All the while, Jones had a Working with Children clearance. His clearance was not revoked until May 2019.

So what went wrong? This case has exposed serious flaws in our Working with Children Check scheme. The screening authority was unable to use police and child protection intelligence, even where it indicated serious child-safety concerns.

But just as significantly, Working with Children Check Victoria initially had no statutory basis for revoking Jones's clearance, despite escalating concerns about him and the obvious frustration of officials.

Melbourne City Mission failed to deactivate Jones's access to the information system, unintentionally providing him continued access to sensitive information about vulnerable young people. They have apologised both publicly and privately and taken meaningful action to address all the risks highlighted in this case, which I commend.

Several authorities also breached human rights, following the data breach by failing to provide accurate and timely information to Zack's mother.

We found good intentions by many, but a lack of meaningful collaboration between agencies meant authorities failed to identify Jones's earlier misuse of the system – and the existence of many more young people potentially affected by his actions. Reassuringly, these failings appear to have been rectified, with systems and processes significantly overhauled.

The biggest remaining gap is the need to amend the *Worker Screening Act 2020* (Vic). Working with Children Check Victoria should be able to act on information that indicates someone poses an unjustifiable risk to the safety of children, regardless of whether criminal charges are brought.

This is imperative: The powers of Victoria's screening authority are among the most limited in Australia. Reforms to the legislation are needed to bring Victoria in line with other states and territories, and to promote the rights of children and families enshrined in Victoria's Human Rights Charter.

Some painful lessons have been learnt. For the safety of our children, more needs to be done.

Deborah Glass

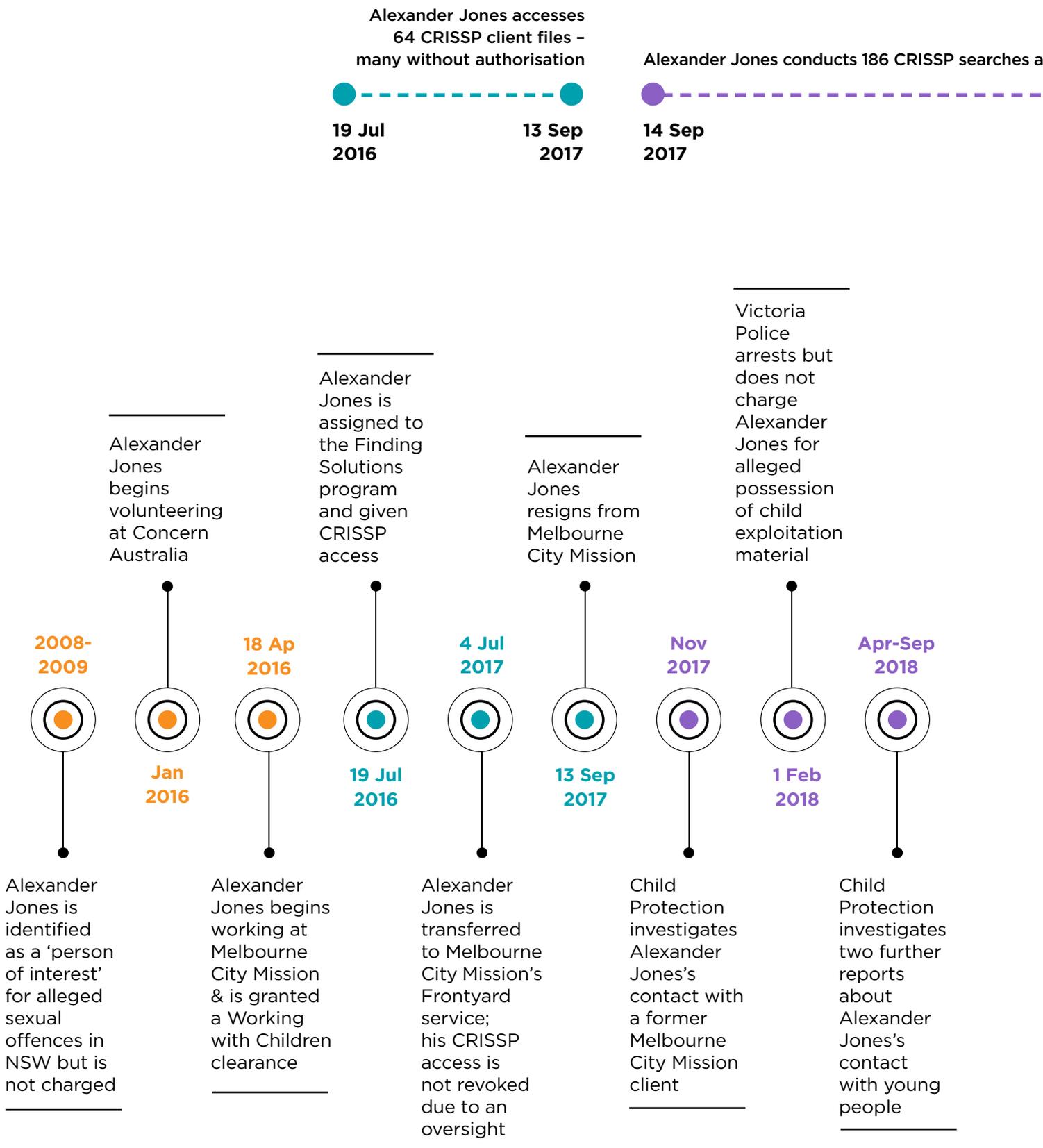
Ombudsman

Glossary

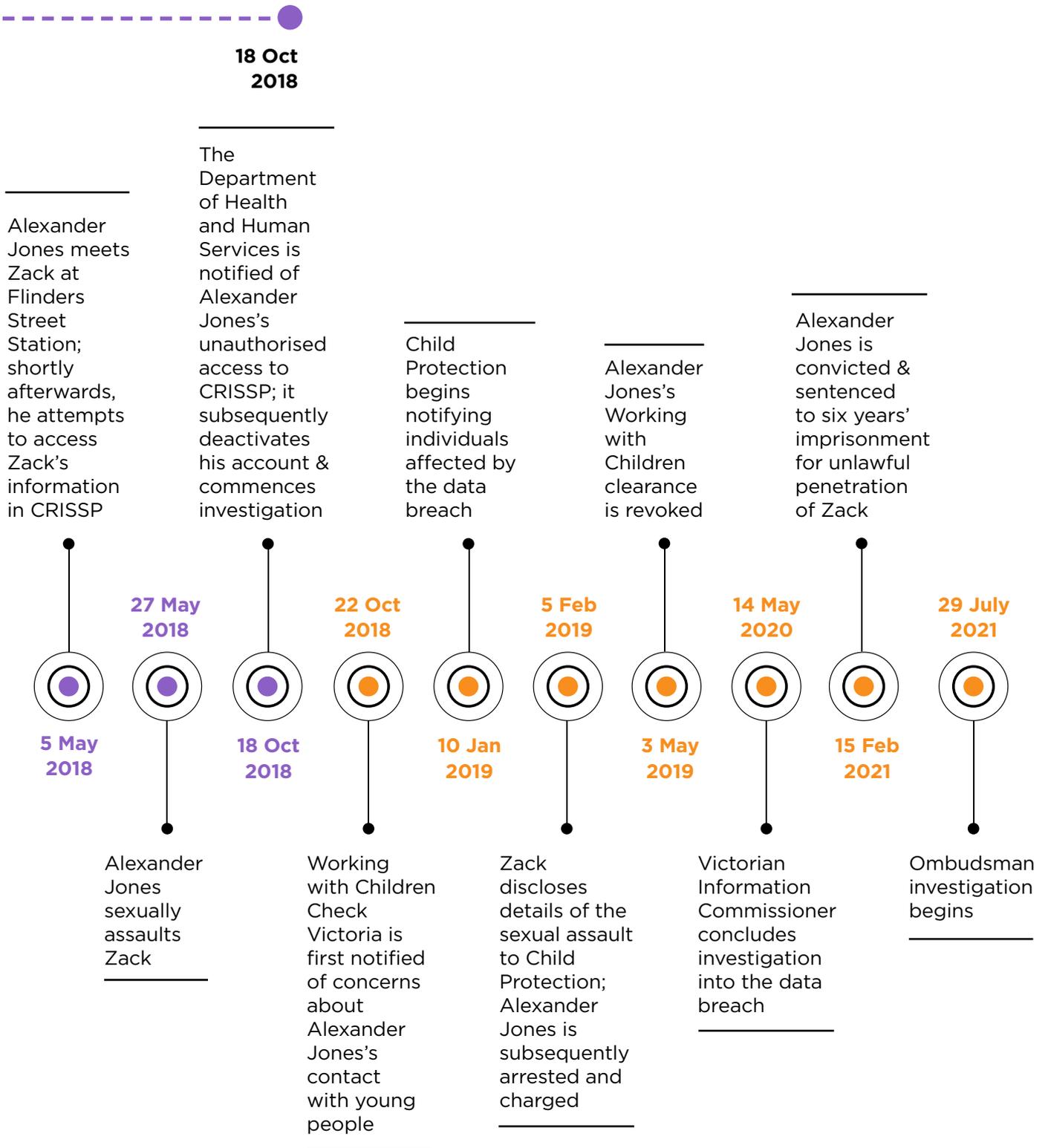
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| 360 Degree Search | Search function in CRISSP used to find clients from a user's organisation and the Common Client Layer |
| 360 Degree View | Page in CRISSP displaying a client's case history, information and case notes |
| Apprehended Violence Order | Order made by a New South Wales court for the protection of another person – 'Intervention Order' in Victoria |
| Centrelink Confirmation e-Services | Information system used by organisations to confirm a person's eligibility to receive services linked to their Centrelink status; administered by Services Australia and accessed using a Centrelink eBusiness account |
| Charter of Rights Act | <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> – legislation providing for the protection of fundamental human rights in Victoria; commonly referred to as 'the Charter' |
| Child Protection | Victorian Child Protection Service – business unit of the Department responsible for receiving and investigating reports relating to children and young people at risk of harm or abuse |
| Common Client Layer | Function in CRISSP accessed via 360 Degree Search – displays limited information about clients currently receiving services from another organisation |
| Concern Australia | Victorian not-for-profit community service organisation providing services and support to vulnerable children and young people |
| CRIS | Client Relationship Information System – information system administered by the Department and used by Child Protection and Youth Justice workers to record services provided to clients |
| CRISSP | Client Relationship Information System for Service Providers – information system administered by the Department and made available to organisations funded to provide child, youth and disability services |
| Department | Department of Health and Human Services – former Victorian Government department responsible for Child Protection, as well as registering and funding community services; currently the Department of Families, Fairness and Housing |
| Finding Solutions | Victorian Government-funded program supporting young people to avoid family breakdown and stay out of the Child Protection system; delivered in the northern and western suburbs by Melbourne City Mission |
| Frontyard | Melbourne City Mission service based in the CBD providing assistance to children and young people at risk of homelessness |

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| Inside Out | Victorian Government-funded program providing accommodation and support to young people leaving care; delivered by Concern Australia |
| Melbourne City Mission | Not-for-profit organisation and registered charity providing community services to vulnerable Victorians |
| Privacy and Data Protection Act | <i>Privacy and Data Protection Act 2014</i> (Vic) – legislation providing for the responsible collection and handling of personal information in the Victorian public sector |
| Reconnect | Australia-wide program supporting children and young people at risk of homelessness; delivered in the western suburbs by Melbourne City Mission as ‘Western Reconnect’ |
| Reportable Conduct Scheme | Scheme established by the <i>Child Wellbeing and Safety Act 2005</i> (Vic) to improve institutional responses to allegations of child abuse and neglect by workers and volunteers in Victoria |
| Sexual Exploitation Register | Register of children and young people deemed at risk of sexual exploitation in Victoria – administered by the Department |
| Victorian Information Commissioner | Person appointed under the <i>Freedom of Information Act 1982</i> (Vic) – responsible for examining organisational practices relating to the collection of personal information under the Privacy and Data Protection Act |
| Worker Screening Act | <i>Worker Screening Act 2020</i> (Vic) – Victorian legislation establishing the Working with Children Check scheme |
| Working with Children Check scheme | Screening scheme intended to assist in protecting children and young people from harm in Victoria |
| WWCC Victoria | Business unit of the Department of Justice and Community Safety responsible for administering the Working with Children Check scheme |
| Youth Justice | Business unit of the Department of Justice and Community Safety responsible for supervising children and young people in the criminal justice system |

Figure 1: Timeline of events



and accesses about 25 client files without authorisation



Background

Why we investigated

1. On 18 April 2021, ABC News published a report about a significant data breach by a former youth worker, Alexander Jones.
2. The ABC News report revealed Alexander Jones misused credentials provided to him by his former employer, Melbourne City Mission, to access sensitive information about children and young people stored in CRISSP. CRISSP, the Client Relationship Information System for Service Providers, is owned by the former Department of Health and Human Services.
3. At the time, Alexander Jones was awaiting sentencing for sexually assaulting a child, referred to in media reports by the pseudonym 'Zack'. The report by ABC News alleged that before and after the sexual assault, Alexander Jones used CRISSP to access private information about Zack.
4. On 8 June 2021, ABC News published a follow-up report about the data breach by Alexander Jones. This included new allegations that:
 - the Department of Health and Human Services misled Victoria's Information Commissioner about the extent to which it had notified children and other people affected by the data breach by Alexander Jones
 - management at Melbourne City Mission had previously been notified of concerns about Alexander Jones indicating he did not 'fit the profile' of a credentialed youth worker.
5. On 9 June 2021, the Ombudsman commenced enquiries into these issues under section 13A of the *Ombudsman Act 1973* (Vic). As part of this process, the Ombudsman reviewed relevant records from Victoria Police and the Magistrates' and County Courts relating to the investigation and prosecution of Alexander Jones.
6. Through these materials, the Ombudsman learned that the Department of Health and Human Services had received reports raising concerns about Alexander Jones's contact with children and young people before October 2018 when the data breach was identified.
7. The Ombudsman also consulted with the Office of the Victorian Information Commissioner, the Commission for Children and Young People and Zack's mother. Zack's mother told the Ombudsman she received conflicting information about Alexander Jones's level of access to Zack's private information and supported an investigation into the matter.

'I would definitely like to see it investigated properly ... I still have no idea what happened ... I'm hoping for closure - I know it's not going to take back what happened.'

- Zack's mother
8. On 1 February 2021, the relevant functions of the Department of Health and Human Services were transferred to the newly created Department of Families, Fairness and Housing.
9. On 29 July 2021, the Ombudsman notified the Secretary to the Department of Families, Fairness and Housing, the Minister for Child Protection and the Chief Executive Officer of Melbourne City Mission of her intention to conduct an 'own motion' investigation into the circumstances surrounding the data breach.

Authority to investigate

10. Section 16A of the Ombudsman Act provides that the Ombudsman may conduct an own motion investigation into any administrative action taken by or in an 'authority'.

The Department

11. Prior to 1 February 2021, the former Department of Health and Human Services was responsible for registering and funding community services to support at-risk children, young people and their families. The Department of Health and Human Services administered the Finding Solutions program and maintained CRISSP which was used by service providers such as Melbourne City Mission.

12. The Department of Health and Human Services also administered the Victorian Child Protection Service ('Child Protection'), which is responsible for receiving and investigating reports relating to children and young people who may be at risk of harm or abuse.

13. The definition of 'authority' in the Ombudsman Act includes a department such as the Department of Health and Human Services.

14. In this report, the term 'the Department' is used to refer to both the Department of Health and Human Services and the Department of Families, Fairness and Housing, depending on the relevant period.

Melbourne City Mission

15. Melbourne City Mission is a not-for-profit organisation and registered charity that has provided community services to vulnerable Victorians for more than 150 years.

16. Melbourne City Mission receives funding from the Department to deliver several initiatives, including the Finding Solutions program in which Alexander Jones was employed.

17. The definition of 'authority' in the Ombudsman Act includes:

- a registered community service carrying out any duty or function or exercising any power under the *Children, Youth and Families Act 2005* (Vic)
- a body performing a public function on behalf of the State of Victoria or another authority.

18. Melbourne City Mission is a registered community service providing community-based child and family services under the *Children, Youth and Families Act*.

19. Under section 22 of the *Children, Youth and Families Act*, such organisations are expected to:

- receive referrals about vulnerable children and families where there are significant concerns about their wellbeing
- undertake assessments of needs and risks in relation to children and families
- make referrals to other relevant agencies if this is necessary to assist vulnerable children and families
- provide ongoing services to support vulnerable children and young people.

20. In delivering the Finding Solutions program, Melbourne City Mission performed these public functions.



Jurisdiction – Western Reconnect

Melbourne City Mission initially employed Alexander Jones as a Case Worker on the Western Reconnect program. This program is wholly funded and administered by the Australian Government Department of Social Services. Services provided under Western Reconnect are accordingly not within the Victorian Ombudsman's jurisdiction to investigate.

The Ombudsman's investigation nevertheless reviewed evidence concerning Melbourne City Mission's recruitment, screening and management of Alexander Jones in connection with the Western Reconnect role. This was because information received through these processes substantially informed the organisation's assessment of his suitability to work on the Finding Solutions program.

Terms of reference

21. The investigation examined the circumstances surrounding Alexander Jones's access to Victorian Government information about children and young people. It specifically considered:
- the circumstances in which Alexander Jones was engaged to provide services to children and young people
 - the nature and extent of Alexander Jones's access to confidential information maintained by the Department about children and young people
 - how Alexander Jones's unauthorised access to information was identified and addressed
 - whether authorities took appropriate action to identify and support children and young people affected by Alexander Jones's conduct
 - whether authorities acted compatibly with, and gave proper consideration to, human rights identified in the Charter of Rights and Responsibilities Act 2006 (Vic) ('Charter of Rights Act').
- ## Procedural fairness and privacy
22. This report contains adverse comments about the Department and Melbourne City Mission. The report also contains information that could be considered adverse to some individuals. In accordance with section 25A(2) of the Ombudsman Act, the Ombudsman provided these parties a reasonable opportunity to respond to the material in this report. The report fairly sets out each party's response.
23. In accordance with section 25A(3) of the Ombudsman Act, any other persons who are or may be identifiable in this report are not the subject of any adverse comment or opinion. They are identified because the Ombudsman is satisfied:
- it is necessary or desirable to do so in the public interest
 - identifying those persons will not cause unreasonable damage to their reputation, safety or wellbeing.
24. Alexander Jones's response to the investigation is summarised in Appendix 2 of this report.

About this report

25. This report is divided into two chapters. The first examines the circumstances surrounding the data breach by Alexander Jones. The second discusses Victoria's Working with Children Check scheme, including proposed amendments to the *Worker Screening Act 2020* (Vic).



Previous investigation by the Information Commissioner

The data breach by Alexander Jones was investigated in February 2019 by the Victorian Information Commissioner under section 8C(2)(e) of the *Privacy and Data Protection Act 2014* (Vic).

That investigation focused on whether the actions of Melbourne City Mission and the Department complied with Victoria's Information Privacy Principles. Owing to the Information Commissioner's jurisdiction and functions, he did not consider other issues such as whether Alexander Jones was a fit and proper person to work with vulnerable young people.

The Information Commissioner found Alexander Jones's unauthorised access to CRISSP arose from a combination of human error and failures by Melbourne City Mission and the Department to address the risk of unauthorised CRISSP access. In particular, the Information Commissioner observed the Department had 'never conducted an audit or other assurance activity' under its Service Agreement with Melbourne City Mission prior to the identification of the data breach by Alexander Jones.

The Information Commissioner made several recommendations to Melbourne City Mission and the Department, including that both organisations implement processes to regularly check the accuracy of CRISSP user lists.

The Information Commissioner also issued a compliance notice to the Department under section 78 of the Privacy and Data Protection Act, requiring that it implement the recommendations addressed to it.

Alexander Jones's unauthorised access to CRISSP

Alexander Jones's recruitment to Melbourne City Mission

26. Alexander Jones commenced employment at Melbourne City Mission on 18 April 2016 as a Case Worker assigned to the Western Reconnect program.
27. Alexander Jones was then appointed to the Finding Solutions program three months later, on 19 July 2016. He was first provided with access to CRISSP in his role as a Case Worker on this program.
28. He worked as a Case Worker on both programs until his contract expired on 4 July 2017.
29. Alexander Jones was then briefly employed as an Initial Assessment and Planning Worker at Melbourne City Mission's Frontyard youth homelessness service on a casual basis until his resignation from the organisation on 13 September 2017.
30. The essential criteria for Case Workers assigned to Western Reconnect and Finding Solutions are substantially the same. Melbourne City Mission relied on previous background and screening procedures undertaken during Alexander Jones's recruitment to the Western Reconnect role when it appointed him to the Finding Solutions program.



Early Intervention Services

Melbourne City Mission's Early Intervention Services team delivers the Finding Solutions and Western Reconnect programs. Both programs are comprised of several Case Workers who report to a common Team Leader.

Finding Solutions

Finding Solutions is a Victorian Government-funded program that supports young people to avoid family breakdown and stay out of the Child Protection system. Finding Solutions assists young people of secondary school age. Clients are assigned a Case Worker, who works collaboratively with the young person and their family to provide mediation, counselling and other support.

Melbourne City Mission is funded by the Department to deliver the Finding Solutions program in Melbourne's northern and western suburbs.

Western Reconnect

Western Reconnect is part of the broader Australian Government-funded 'Reconnect' program. Reconnect is a national program generally aimed at children and young people aged between 12 and 18 years at risk of homelessness. Reconnect aims to intervene early to help young people stabilise, improve their housing situation and increase their level of engagement with family, education, training, employment and local community. As with Finding Solutions, Reconnect clients are assigned a Case Worker who provides advocacy, case management support and referrals.

Melbourne City Mission is funded by the Australian Government Department of Social Services to deliver Western Reconnect in Melbourne's western suburbs.

Selection process

31. Alexander Jones applied for a fixed-term Case Worker role on the Western Reconnect program on 28 February 2016.
32. According to the position description, applicants were required to have:
 - tertiary qualifications in social work, youth work or family work
 - direct experience working with young people and families experiencing conflict and at risk of homelessness
 - experience working with school and youth service provider networks.
33. In his application and resume, Alexander Jones stated that he was self-employed as a 'Youth and Family Counsellor' and had previously held several child-related positions within the youth services sector. These included:
 - a Community Facilitator role at a national youth advocacy service between March 2007 and February 2011
 - a Youth Homelessness Project Manager role at a Queensland youth service between July 2011 and October 2012
 - an Intake, Assessment and Referral Worker role at a Victorian homelessness support service between October 2012 and May 2014
 - a Community Engagement Consultant role at a registered training organisation between May 2014 and February 2015.
34. Alexander Jones stated that he held the following tertiary qualifications:
 - a Dual Diploma in Community Service Work and Counselling from a Queensland TAFE
 - a Certificate III in Disability and Home and Community Care from a Victorian registered training organisation
 - a Certificate III in Community Welfare from a New South Wales TAFE.
35. Melbourne City Mission's former Team Leader Early Intervention Services – who oversaw the hiring process and later supervised Alexander Jones in the Western Reconnect and Finding Solutions roles – recalled the selection panel's first impressions of him:

He was nervous, but he was young. And he was very eager. You could tell he was really trying to impress us because he really wanted a job ... It was almost like – how can I explain it – I don't want to say he was begging for the job because that sounds really pathetic, but it was almost like he was saying, you know, 'Please give me a go' ... And I think, if anything, we felt sorry for him.
36. Records from the selection panel indicate Alexander Jones related his interest in the role to his own personal experiences of the child protection system as a young person. The former Team Leader recalled:

He was in the system himself at some stage. I know he had a troubled upbringing. And I feel like that was what led him to want to go into this field of work, which is very common for a lot of people ... I felt like he came out the other side, and he really wanted to help other people and had a sense of empathy.
37. Despite some misgivings about his performance at interview, records indicate the selection panel considered Alexander Jones generally met or exceeded the requirements for the position.

38. The former Team Leader recalled Alexander Jones out-performed other candidates and was ultimately recommended for the role:

If someone was better, we would have employed them. Because it's not just about feeling like, 'Oh, you know, [let's] give someone a go'. It's about someone who can fulfil the role. We need to make sure someone can do this job ... He obviously got the job because he met the criteria.

Background and safety screening

39. In January 2016, the Minister for Families and Children issued the Child Safe Standards under section 17 of the *Child Wellbeing and Safety Act 2005* (Vic). These standards required organisations such as Melbourne City Mission to adopt 'screening, training and other human resources practices that reduce the risk of child abuse by new and existing personnel'.
40. Melbourne City Mission recognised this requirement in its Safety of Children and Young Persons Policy, which required that safety screening processes be undertaken for all staff prior to commencement at the organisation.
41. Melbourne City Mission's Recruitment Procedure required that Managers and Team Leaders undertaking recruitment activities:
- thoroughly check candidates' references
 - inspect and copy qualifications identified by candidates
 - arrange for a criminal history check
 - ensure candidates had a current Working with Children clearance.
42. Alexander Jones supplied Melbourne City Mission with details of two referees in support of his application, identified as his former Team Leader at the Victorian homelessness support service and former Manager at the registered training organisation. These individuals were contacted by the selection panel and purported to confirm details of their past employment relationship with Alexander Jones. Both references were overwhelmingly positive.
43. Melbourne City Mission required Alexander Jones to undergo a national police history check. This check returned disclosable outcomes relating to minor shoplifting and dishonesty offences committed between 2008 and 2009.
44. In accordance with its *Recruitment Procedure*, Melbourne City Mission interviewed Alexander Jones about the disclosable outcomes. According to interview notes, Alexander Jones acknowledged the offences and affirmed he had since improved his circumstances and outlook. This information was assessed by a safety screening panel, which ultimately recommended the application be progressed to an offer of employment.
45. In accordance with the *Working with Children Act 2005* (Vic), Melbourne City Mission required Alexander Jones to produce a current Working with Children Check card. This card was photocopied and placed in Alexander Jones's personnel file.

Evidence of deception by Alexander Jones

46. The investigation established the information in Alexander Jones's resume and cover letter was overwhelmingly false.

47. Contrary to the documents and representations made during the recruitment process, Alexander Jones had never had any paid child-related employment before he joined Melbourne City Mission.
48. Alexander Jones also did not hold the tertiary qualifications identified in his resume and accordingly was not qualified to be employed as a Case Worker on the Western Reconnect or Finding Solutions programs.

Previous employment

49. The three community service organisations identified in Alexander Jones's resume each advised the investigation they had no records of employing a person with that name. The Victorian homelessness support service informed the Ombudsman it also had no record of employing the person who purported to provide a reference on behalf of the organisation.
50. Alexander Jones did not hold a Victorian Working with Children clearance prior to April 2016. Child-safe screening authorities in Queensland and New South Wales advised the Ombudsman they had no records of Alexander Jones holding an equivalent clearance in those jurisdictions.
51. Records obtained from Westpac indicate Alexander Jones received Commonwealth income support benefits throughout the periods he claimed to have been employed in child-related work.
52. The registered training organisation confirmed it did employ Alexander Jones as a Community Engagement Consultant on a commission basis between May and December 2014. The role was administrative in nature and did not involve contact with children. This appeared to be Alexander Jones's only remunerated employment in the five years preceding his application to Melbourne City Mission.
53. Alexander Jones was engaged as a volunteer with community service organisation Concern Australia between January 2016 and February 2018. However, he did not provide services to children in this role until after his recruitment to Melbourne City Mission.

Qualifications

54. The education providers identified in Alexander Jones's resume each advised they had no record of awarding a tertiary qualification to Alexander Jones. The Queensland TAFE informed the Ombudsman it did not offer a Dual Diploma in Community Services and Counselling.
55. Evidence indicates staff at Melbourne City Mission did not take a copy of Alexander Jones's purported qualifications during the background screening process. While a 'New Employee Induction Checklist' completed by Alexander Jones's Team Leader claimed these documents were sent to the People and Culture team, copies were not located in Alexander Jones's personnel file.
56. During interview with the investigation, the former Team Leader said they believed they would have taken copies of Alexander Jones's qualifications but could not specifically remember doing so.
57. Melbourne City Mission's omission to confirm details of Alexander Jones's purported tertiary qualifications appeared contrary to its Service Agreement with the State of Victoria. Under the Department's *Safety Screening for Funded Organisations Policy*, Melbourne City Mission should have taken certified copies of Alexander Jones's tertiary qualifications before it assigned him to the Finding Solutions program.



Qualifications claimed by Alexander Jones

The investigation identified evidence that Alexander Jones frequently misrepresented his qualifications to others.

As already noted, in his application for employment at Melbourne City Mission, Alexander Jones falsely claimed to have obtained tertiary certificates in Community Service Work and Counselling, Disability and Home and Community Care, and Community Welfare.

The investigation also received evidence that Alexander Jones falsely claimed to have obtained a Social Work degree from a Queensland university while employed at Melbourne City Mission.

In later job applications, Alexander Jones also purported to supply prospective employers with copies of qualifications obtained from a different Queensland university and the Chisholm Institute of TAFE. Records obtained from both bodies indicate these documents were also false.

While volunteering at Concern Australia, Alexander Jones reportedly claimed to be studying a master's degree. Later, when responding to revocation of his Working with Children clearance, he requested that authorities address him as 'Dr Alexander Jones'.

Records obtained from Chisholm Institute of TAFE indicate Alexander Jones completed several modules of a Certificate I in General Education for Adults (Introductory) in 2013. In 2014, he also completed a Coffee Making course at this institution. These were the only tertiary achievements verified by the investigation.

Prior child protection concerns

58. Alexander Jones was the subject of serious interstate child protection concerns at the time he joined Melbourne City Mission.
59. NSW Police Force records indicate that between 2008 and 2009, Alexander Jones was investigated as a 'person of interest' in relation to several alleged offences. Most significantly, these included:
 - an allegation he sexually exploited a child
 - an alleged rape
 - an allegation he posed as a young person to access supported youth accommodation.
60. While Alexander Jones was arrested and interviewed on one occasion, he was not charged with any offences relating to the above allegations.
61. The investigation also identified evidence that Alexander Jones was:
 - flagged by New South Wales child protection authorities in 2009 as a person suspected of sexually abusing a child
 - subject to multiple Apprehended Violence Orders in New South Wales, including an order restricting his interactions with a young person deemed at risk of sexual exploitation.
62. National police certificates available to organisations such as Melbourne City Mission identify 'disclosable court outcomes' and generally do not include information concerning uncharged allegations and Intervention Orders (including Apprehended Violence Orders). As Alexander Jones was not charged by police in relation to any of the above allegations, this information was not disclosed in the national police certificate obtained by Melbourne City Mission.
63. There is no evidence that Alexander Jones volunteered information about the allegations during the recruitment process or while employed at Melbourne City Mission.
64. Information about the above allegations was also not available to Working with Children Check Victoria when it granted Alexander Jones a Working with Children clearance. This is discussed further in the next chapter.
65. In response to a draft version of this report, Alexander Jones denied being investigated for alleged sexual offences in New South Wales. He said he was not interviewed in relation to these allegations and was never served with an Apprehended Violence Order in the jurisdiction.

Alexander Jones's role on Finding Solutions

66. As a Case Worker assigned to the Finding Solutions program, Alexander Jones was responsible for providing support and advocacy to vulnerable young people and their families referred to Melbourne City Mission by organisations such as Child Protection.
67. According to the position description, Case Workers assigned to Finding Solutions were expected to:
- maintain a caseload of 10 clients
 - participate in a duty system receiving referrals from Child Protection and other services
 - deliver a 'short term holistic response' to young people and their parents to address relationship conflicts and underlying issues
 - provide outreach to young people and their families at home and in other familiar settings.
68. While funding and referral pathways differed between programs, Alexander Jones held substantially similar responsibilities in his role on the Western Reconnect program.
69. According to Melbourne City Mission's General Manager Homelessness and Family Services, support provided by Case Workers under both programs involved regular, unaccompanied off-site client outreach.
70. Records supplied by Melbourne City Mission and the Department indicate that while employed on the Finding Solutions program, Alexander Jones also:

- scheduled and attended case planning meetings with carers, the Department and other community service organisations
- delivered 'motivational interviewing' training to co-workers
- purported to conduct 'intensive psychosocial assessments' and deliver safe sex education to clients.

Conduct and performance

71. The investigation did not identify evidence of any complaints made to Melbourne City Mission about Alexander Jones's contact with children and young people either during or following his time at Melbourne City Mission.
72. Yet evidence indicates co-workers and management recognised problems with his presentation and behaviour throughout his employment on the Finding Solutions program.
73. These concerns were mostly managed in accordance with standard disciplinary processes. However, they were not recognised by managers as 'red flags' pointing to Alexander Jones's lack of qualifications or general unsuitability to work with vulnerable young people.

Presentation and behaviour concerns

74. Managers and co-workers at Melbourne City Mission identified several concerns about Alexander Jones, including:
- an ongoing failure to maintain basic standards of personal hygiene
 - unprofessional standards of dress
 - incidents of inappropriate remarks, aggression and conflict with co-workers.

75. Two former co-workers interviewed by the investigation said they generally felt uncomfortable working in the vicinity of Alexander Jones. One witness said there was immediately 'something not quite right' about him:

His physical presentation wasn't consistent with the norm for the sector ... It's unusual for someone to look unwashed at work, especially on a regular basis; it's unusual for someone to dress like a young person ... and to be walking around with your pants hanging down around your backside or for your fly to be open in the office and it to be a consistent thing.

'There were red flags ... His physical presentation wasn't consistent with the norm for the sector.'

- Former co-worker

76. The other co-worker commented:

He came in the first day and he was a bit weird, but he was fine. And then he sort of started, like an onion, to peel very, very quickly. By the end of the week he was a completely different person, and I didn't think he was quirky - I thought he was sinister ... He told us he was a social worker ... He just didn't dress like one, act like one, speak like one ... He smelled really bad. He smoked a lot; it was like he didn't have showers.

'They treated him like a client.'

- Former co-worker

77. These former colleagues said the issues were reported to Alexander Jones's Team Leader, who would attempt to mediate incidents of conflict but appeared reluctant to investigate further. One witness observed:

[I said to the Team Leader], 'This isn't quite right, this isn't the standard that you would expect from an experienced worker.' ... [They said], 'Well, this is the [employment] experience that he's got.' And that was it, basically, that [they] would deal with [the concerns] by [their] way of managing it, and then carrying on with the job. So it wasn't really addressed as far as saying, 'I will investigate these concerns': like why he's not showering or why he's dressed inappropriately for work; why he's saying inappropriate things.

78. One former co-worker told investigators the Team Leader seemed 'obsessed with ... fixing' Alexander Jones and that management treated the latter 'like a client' rather than a credentialed case worker. In response to a draft version of this report, the former Team Leader strongly disagreed with both observations.
79. During interview with the investigation, the former Team Leader acknowledged there were issues with Alexander Jones's presentation and interactions with some co-workers. They gave evidence that they had attempted to address these problems through verbal directions and informal mediation and ultimately escalated some concerns to People and Culture.

80. The former Team Leader said there was ‘a lot of game playing’ in the Braybrook office at the time, and that some co-workers who were initially hostile to Alexander Jones eventually came to enjoy his company:

If you change your perception, the whole situation can change. ... I remember when we gave Alex a farewell ... His whole team was there, and they all sang and sort of wished him well ... I remember thinking by that point everyone was on the same page and everyone was good with each other.

81. In response to a draft version of this report, the former Team Leader observed that not all co-workers were initially hostile to Alexander Jones. They said the issues with his presentation were limited to isolated periods and were addressed at the time.

82. The former Team Leader noted privacy considerations limited the information they could share with staff who raised concerns about Alexander Jones. They accepted there may have been incidents where Alexander Jones displayed aggressive behaviour towards co-workers but said this was not reported to them at the time.

Formal complaints pathways

83. Melbourne City Mission’s *Staff Grievance Resolution Procedure* provided a mechanism for staff to formally report and escalate grievances about co-workers to their line manager, Director and ultimately the Chief Executive Officer.

84. During interview with the investigation, the former Team Leader acknowledged concerns from co-workers about Alexander Jones were not treated as formal complaints under this procedure.

85. Yet the investigation received evidence that staff were not given clear information about how to formally escalate concerns about Alexander Jones’s presentation and behaviour.

86. One former co-worker gave evidence that information about making a complaint was not offered to them. The other former co-worker said they believed they had actually made a formal complaint about a particular incident. Yet the investigation could not identify evidence the matter was reported to Melbourne City Mission’s People and Culture team.

‘We thought we were complaining about him.’

- Former co-worker

Performance management

87. Alexander Jones’s former Team Leader gave evidence they had no ‘major’ concerns about his performance on the Finding Solutions program:

He said all the right things, you know? And it’s almost like now, on reflection I’m thinking, did he know what the right things were to say? ... I feel like he played us all ... He was very smart in his role ... always kind and appreciative ... He had the gift of the gab. He knew how to say things so that he seemed caring and empathetic.

‘He said all the right things ... I feel like he played us all.’

- Former Team Leader

88. One former co-worker interviewed by the investigation similarly observed:

He knew everything about the [Children, Youth and Families] Act, the law around Child Protection. I thought he was very smart ... Did he say he worked for Child Protection? I can’t remember. He knew everything about Child Protection here and in New South Wales and Queensland ... He knew a lot of stuff.

89. The former Team Leader said they couldn't recall receiving any specific complaints about Alexander Jones's performance, although opportunities for others to witness his work would have been limited. The former Team Leader noted Alexander Jones was initially accompanied by a more experienced co-worker during home visits who did not identify any concerns. However, the Team Leader acknowledged the role subsequently involved 'predominantly ... solo outreach':

[After the initial induction period] no one [else] would've seen his work. Solo outreach work is really difficult. Once you've been doing it for a while, you trust that they know what they're doing and that they're acting professionally.

90. The former Team Leader nevertheless identified issues with Alexander Jones's written output and capacity to meet deadlines. They said efforts to address the performance issues were complicated by the need to make reasonable adjustments for his reported learning disability.

'There's a fine line about being fair to people ... I certainly would not let it go on for that long [again].'

- Former Team Leader

91. Alexander Jones was ultimately made subject to an 'Employee Performance Improvement Plan' on 31 October 2016. Among other things, this document instructed him to think before speaking to others, clean and trim his fingernails, wear age-appropriate clothing and ensure his shoelaces were tied 'to avoid a tripping hazard'.

92. During interview with the investigation, the former Team Leader accepted these instructions should not have been necessary for somebody with Alexander Jones's claimed credentials and employment experience. They acknowledged that the underlying behaviours should have been investigated:

I think it [the Performance Improvement Plan] came down to me being open to the possibility that he was going through a very rough time and trying not to be judgmental ... In hindsight of course it would've been a much more appropriate approach to look at it from a different angle. I guess my downfall is that I'm trying to be fair to everybody and not think the worst, but yeah, unfortunately that was probably not the right thing in this situation.

93. The former Team Leader observed that managing Alexander Jones proved 'a bit exhausting in the end' and they would not have re-employed him after his contract expired in July 2017. They told investigators they would take a different approach to the situation today:

I wouldn't say he was the best Case Worker. I would say he was exhausting. I would say he was a lot of work ... There's a fine line about being fair to people. At the end of the day, I learnt a lot from the experience of employing Alex. I wouldn't do that again. I certainly would not let it go on for that long. And, yeah, I guess I've changed as a person. This is where we change as people based on our experiences.

Attempted resignation

94. The investigation received evidence that Alexander Jones attempted to resign from his position on the Western Reconnect program on 11 July 2016. In his letter of resignation, Alexander Jones stated it had 'become clear' during probation that he was 'ill-suited' for the role.
95. Yet one week later, on 18 July 2016, the former Team Leader completed an end of probation assessment recommending Alexander Jones's appointment be confirmed. In this assessment, the former Team Leader indicated Alexander Jones was 'meeting expectations' in relation to all criteria, including 'professionalism' and 'teamwork'. Alexander Jones was assigned to the Finding Solutions program the following day.
96. During interview with the investigation, the former Team Leader said they couldn't recall Alexander Jones's attempt to resign in July 2016 and acknowledged the end of probation assessment seemed 'odd' in light of the contents of his resignation letter. The former Team Leader observed it was possible they encouraged Alexander Jones to withdraw his resignation:
- We would have had [a] conversation. 'Remember at your interview, "Give me a go"? Well if you leave now, what is that going to mean for you?' Because I guess my role has two parts. My role has a duty of care for our clients, absolutely - we have to make sure we appoint the most appropriate skilled people in the role - and the other part is also about staff wellbeing.
97. The former Team Leader nevertheless emphasised they would not have endorsed Alexander Jones's progression from probation if they had significant concerns about his performance or conduct.

Evidence of further deception

98. The investigation identified evidence of further dishonesty by Alexander Jones during his employment on the Finding Solutions program.
99. Some of this evidence was apparently not recognised by management at Melbourne City Mission, even when highlighted by co-workers.

Further misrepresentation of qualifications

100. At interview, one former co-worker gave evidence that Alexander Jones sometimes claimed to hold a Social Work qualification:
- I said to, to him, 'Where did you study?' He [identified a university in Queensland] ... He was really young ... and he had all this experience, had done a four-year degree in Queensland and it just didn't add up. It made no sense ... I even said to [the Team Leader], 'How do you know that he has a degree?' And [they] said, 'HR does checks.'
101. The investigation received evidence that Alexander Jones made similar claims to other parties. Yet records from the Queensland university indicate he was not awarded a degree by the institution.
102. The former Team Leader told investigators they couldn't recall anyone approaching them with doubts about Alexander Jones's credentials. They acknowledged his Performance Improvement Plan included a reference to attending university and that this claim appeared inconsistent with the qualifications identified in his resume.

103. The Team Leader gave evidence that they didn't recognise the discrepancy at the time and did not necessarily accept it was evidence of deception:

I don't have a photographic memory ... If he passed the recruitment round then I [would] sort of file that away. I wouldn't have remembered whether he went to university or not ... It could have been one of those situations where he's talking about 'uni' but actually talking about TAFE. He wouldn't be the first person that's done that.

Misrepresentations to external parties

104. Email records reviewed by the investigation indicate Alexander Jones used his Melbourne City Mission credentials to apply for child-related work at other organisations while employed on the Finding Solutions program.

105. In some applications, he claimed to hold a Bachelor of Community and Health Services from a Queensland university and a Diploma of Counselling from the Chisholm Institute of TAFE. Records obtained from both institutions indicate these claims were false.

106. The investigation identified evidence that in email correspondence with external parties, Alexander Jones sometimes also:

- embellished his official title and qualifications
- falsely suggested he was employed by the Department.

107. Alexander Jones did not include these claims in internal correspondence with co-workers, and there is no evidence they were reported to or identified by Melbourne City Mission during his time at the organisation.

Figure 2: Email from Alexander Jones to external party including false qualifications and job title

From: Alexander Jones
Sent: Monday, 26 June 2017 3:08 PM
To: [REDACTED]
Subject: [REDACTED]

Thanks for that [REDACTED] Once I return home this evening I'll forward to you all requested documents.

Thanks again for everything.

Regards,

Alex Jones BSW (hons), MCouns (clinical)
Senior Practitioner (acting)

Early Intervention & Rapid Response Team DHHS Metro North & West

T: [REDACTED] (Direct Line) | M: [REDACTED] | A: 3/6-12 South Road, Braybrook 3019

Source: Melbourne City Mission

Client record keeping incident

108. The investigation received evidence of an incident where, following a routine enquiry from the Department, the former Team Leader identified that Alexander Jones had possibly provided services to a client without creating a case file or corresponding records.
109. During interview with the investigation, the former Team Leader recalled contacting Alexander Jones after his transfer to Frontyard to query the issue:
- I couldn't find anything anywhere. It was a bit of mystery and he didn't answer my questions, so I don't know what happened in the end ... I would have had another conversation with [the Department] about it because I wouldn't have just ignored it. I remember, but I just do not for the life of me know how it was resolved.
110. The former Team Leader accepted that providing services to a client without creating corresponding records 'absolutely' raised client safety issues. They said they couldn't recall creating an incident report but believed one would have been made to the Department as the referring body.
111. However, the investigation was unable to identify evidence of an incident report being submitted to the Department. Melbourne City Mission also advised the Ombudsman it had no record of an internal incident report relating to the issue.
112. One former co-worker gave evidence that supervision and record keeping practices at the Braybrook office were updated following the incident. This witness recalled the matter was primarily treated as a record keeping failure, rather than an indication Alexander Jones had possibly concealed contact with a client.

113. The client in question was later interviewed by Child Protection following the CRISSP data breach. Child Protection did not identify any concerns about Alexander Jones's interactions with them, but noted they appeared connected to another young person known to associate with Alexander Jones.

Failure to deactivate CRISSP access

114. Alexander Jones's contract as a Case Worker expired on 4 July 2017. The following day, he was transferred to a new role at Melbourne City Mission's Frontyard service. Staff assigned to the Frontyard service are not required or authorised to use CRISSP.
115. At the time, the Department's *CRISSP Privacy Policy* required Melbourne City Mission to review access to CRISSP when a staff member changed roles or left the organisation.
116. According to established practice, Team Leaders and other supervisors were expected to reallocate a departing worker's clients, deactivate the worker's CRISSP account and then submit a corresponding 'Remove User Access' form to the Department.
117. Alexander Jones's access to CRISSP should have been revoked at the time of his transfer.
118. Records supplied by the Department indicate his CRISSP account was not deactivated at this time and remained active until October 2018, when the data breach was identified.

119. The evidence indicates staff at Melbourne City Mission did not submit a Remove User Access form to the Department confirming deactivation of his CRISSP account.
120. According to a privacy review commissioned by Melbourne City Mission following the data breach, these steps were neglected due to the change in supervisors associated with Alexander Jones's transfer to Frontyard.
121. During interview with the investigation, the former Team Leader acknowledged it was possible they overlooked the need to deactivate Alexander Jones's CRISSP access at the time he left the Finding Solutions program.



How did Alexander Jones continue to access CRISSP?

At interview, the former Team Leader speculated Alexander Jones might have continued to access CRISSP by 'hacking' the system, rather than through his Melbourne City Mission user account.

This witness recalled hearing of an occasion where Alexander Jones reportedly observed that CRISSP was 'easy to hack'. In response to draft version of this report, Alexander Jones acknowledged making these remarks when joking about the system's lack of security. The Department also said the statement that CRISSP was 'easy to hack' was incorrect.

CRISSP audit logs supplied to the investigation confirm Alexander Jones continued to access records while logged in to his former Melbourne City Mission account.

Records supplied by the Department do not suggest Alexander Jones accessed CRISSP through any other means. These records also confirm that Alexander Jones was only ever issued one CRISSP account – the one for his role at Melbourne City Mission.

Frontyard role and resignation

122. Alexander Jones commenced as a casual Initial Assessment and Planning Worker at Melbourne City Mission's Frontyard service on 5 July 2017.
123. According to Melbourne City Mission's General Manager Homelessness and Family Services, Alexander Jones's responsibilities in this role involved meeting new clients and undertaking initial assessments to connect them with appropriate services.
124. Unlike his prior roles on Western Reconnect and Finding Solutions, Alexander Jones's position at Frontyard did not involve offsite client outreach and all interactions with clients were subject to direct supervision.
125. On 13 September 2017, Alexander Jones resigned from his Frontyard position without providing notice, citing health reasons.
126. Immediately prior to this, Melbourne City Mission notified him that it was preparing to investigate an allegation that he had discussed his past intravenous drug use with a client. The internal investigation did not proceed due to Alexander Jones's resignation and further enquiries into his background were not made at the time.
127. The investigation did not identify evidence of any other complaints or concerns relating to Alexander Jones's conduct at Frontyard.



Frontyard

Melbourne City Mission's Frontyard service is based in Melbourne's CBD and provides assistance to children and young people under the age of 25 who are at risk of homelessness.

Services provided by Frontyard include:

- crisis accommodation for young people with complex needs
- case management, assertive outreach and court support
- a free drop-in legal clinic operated by Youthlaw.

Frontyard is primarily funded by the Department but also receives funding from the City of Melbourne and the Australian Government Department of Social Services.

Subsequent child protection concerns

128. Alexander Jones was the subject of several child protection notifications between November 2017 and September 2018, shortly before the data breach was detected.
129. The first of these was received by the Department in November 2017, in the months following his departure from Melbourne City Mission.
130. The investigation did not identify evidence of any child protection reports made about Alexander Jones during his time at Melbourne City Mission or concerning his activities during this period.

First child protection notification

131. In late November 2017, the Department was notified of concerns that Alexander Jones was maintaining personal contact with a former Melbourne City Mission client. The Department was told he was allegedly visiting the family, had purchased gifts for the young person and was taking them for drives.
132. Child Protection interviewed the young person and their carer about the allegation in December 2017 but did not receive information allowing it to intervene. The investigation was nevertheless kept open.
133. Child Protection and Victoria Police re-interviewed the young person and their carer after Alexander Jones was stood down from his volunteer position at Concern Australia (discussed below) and following identification of the data breach and his related offending. These interviews did not identify evidence of sexual abuse.
134. Melbourne City Mission was not notified of the Child Protection investigation at the time. Nor was Concern Australia, where Alexander Jones was still volunteering. In response to a draft version of this report, the Department said there was not enough evidence of sexual exploitation to justify notifying these bodies.

Reportable conduct investigation

135. On 1 February 2018, Victoria Police arrested Alexander Jones after child exploitation material was found on his laptop. Alexander Jones had previously reported the laptop as stolen from a Concern Australia property where he was volunteering as a Lead Tenant.
136. Victoria Police notified Child Protection of the arrest, and Child Protection in turn notified Concern Australia.
137. Concern Australia immediately suspended Alexander Jones and directed him to vacate the organisation's property. Concern Australia also reported the allegation to the Commission for Children and Young People in accordance with Victoria's Reportable Conduct Scheme.
138. Child Protection and Concern Australia worked collaboratively to investigate and respond to the reportable conduct allegation. This included joint interviews with Alexander Jones's former clients at Concern Australia and other young people he appeared to be associating with. These interviews did not identify any additional child protection concerns.
139. Alexander Jones was himself interviewed by Victoria Police but denied accessing the child exploitation material. Victoria Police were ultimately unable to establish who was in possession of the laptop when the material was downloaded, and Alexander Jones was not charged in relation to the matter.

140. Owing to substantially the same considerations, Concern Australia subsequently closed its reportable conduct investigation as 'unsubstantiated'. Concern Australia nevertheless terminated Alexander Jones's volunteer position at the organisation.

141. During this period, the Department notified Melbourne City Mission that Alexander Jones was the subject of a Victoria Police sexual exploitation and child abuse investigation. Melbourne City Mission was not provided with details of the alleged offending.



Concern Australia

Concern Australia is a Victorian not-for-profit community service organisation which provides services and support to vulnerable children and young people.

Alexander Jones was engaged as a volunteer Lead Tenant with Concern Australia's 'Inside Out' program between January 2016 and February 2018. Inside Out is funded by the Department and provides accommodation and support to young people aged between 16 and 19 years who are leaving care. As a Lead Tenant, Alexander Jones was expected to live in a Concern Australia property with one or more clients and act as a positive role model.

As with his recruitment to Melbourne City Mission, records supplied by Concern Australia indicate that Alexander Jones obtained the volunteer Lead Tenant position by substantially misrepresenting his employment history and qualifications. This included providing an apparently false reference.

Clients of Inside Out are also allocated dedicated youth workers. These individuals are provided access to the Department's CRISSP system to record their services to clients. As a volunteer Lead Tenant, Alexander Jones was not required or authorised to use CRISSP, and records reviewed by the investigation indicate he was not given CRISSP user credentials in connection with this role.

Alexander Jones was subject to regular supervision meetings during his time as a Lead Tenant. His former supervisor at Concern Australia told investigators that Alexander Jones appeared 'a bit scruffy at times' but otherwise engaged well with clients. In total, Alexander Jones lived with seven Concern Australia clients. Of these, two were aged over 18 years at the time.

Records reviewed by the investigation indicate Concern Australia did not receive any complaints or concerns about Alexander Jones's interactions with young people during or following his time as a Lead Tenant. While the Ombudsman did not investigate Concern Australia's actions, the investigation identified no concerns about the organisation's screening or supervision of Alexander Jones.

Further child protection concerns

142. Throughout 2018, the Department continued to receive Child Protection reports about Alexander Jones's interactions with young people.
143. These included:
- a report in April 2018 alleging that he was associating with and purchasing gifts for two young people
 - a report in September 2018 alleging that he was arrested for dishonesty offences following a motor vehicle collision involving other young people.
144. Child Protection investigated these allegations and interviewed the young people involved. Although Child Protection did not receive information allowing it to intervene, Alexander Jones was added to the Department's Sexual Exploitation Register as a 'person of interest'. Child Protection also directed him to cease contact with two young people deemed at risk of exploitation.

145. In response to a draft version of this report, Alexander Jones denied engaging in inappropriate contact with children.

Detection of Centrelink eBusiness account

146. In July 2018, a manager at Melbourne City Mission's Frontyard service identified that a Centrelink eBusiness account assigned to Alexander Jones was still active and had not been deprovisioned when he left the organisation.
147. Melbourne City Mission promptly deactivated Alexander Jones's Centrelink eBusiness account when the mistake was identified, but did not investigate whether he still had access to other client information systems.
148. When interviewed, Melbourne City Mission's General Manager Homelessness and Family Services acknowledged this was a missed opportunity to identify Alexander Jones's unauthorised access to CRISSP.



Centrelink Confirmation e-Services

Centrelink Confirmation e-Services is an information system administered by Services Australia and used by organisations to confirm a client's eligibility to receive concessions, rebates and other services linked to their Centrelink status.

Staff at Melbourne City Mission's Frontyard service are provided a unique 'Centrelink eBusiness' account to access the system. With signed consent, workers can use a client's Customer Reference Number, last name and date of birth to find out basic information about their Centrelink payments and deductions. This information is then used to identify homelessness services the client may be eligible for.

Information available in Centrelink Confirmation e-Services is limited and does not include detailed records such as case notes.

149. Service providers such as Melbourne City Mission do not have direct access to Centrelink eBusiness user access logs. On 31 October 2018, after the CRISSP data breach was identified, Melbourne City Mission wrote to the Australian Government Department of Social Services to request records of Alexander Jones's user activity. Melbourne City Mission did not receive a response and subsequently reported the incident to the Office of the Australian Information Commissioner, which said it would make further enquiries.
150. According to Melbourne City Mission's General Manager Homelessness and Family Services, the organisation is still unsure whether Alexander Jones accessed Centrelink Confirmation e-Services following his departure from Frontyard.

Alexander Jones's unauthorised access to CRISSP

151. Alexander Jones continued to use the CRISSP information system following his departure from Melbourne City Mission until his access to the system was identified by the Department and Melbourne City Mission in October 2018.

CRISSP

152. CRISSP is an electronic client information system owned by the Department and made available to organisations funded to provide child, youth and disability services, such as Melbourne City Mission.
153. CRISSP can be used to record detailed case notes, as well as information about a client's issues, activities (such as types of support or referrals provided), accommodation and allocated funds.
154. Under the *Finding Solutions Program Guidelines*, service providers delivering the Finding Solutions program are required to use CRISSP to report their work with clients. Case Workers assigned to Finding Solutions are instructed to make case notes of all client interactions in this system.
155. Registered users can access CRISSP through a work or private device. CRISSP users do not have to be connected to an organisation's network to log in.
156. CRISSP integrates with the Client Relationship Information System ('CRIS'), which is the system used by Child Protection and Youth Justice workers. This integration allows service providers to refer clients between organisations and share some information.
157. Case Workers assigned to Finding Solutions at Melbourne City Mission are not provided access to CRIS.

360 Degree Search and 360 Degree View

158. CRISSP includes a search function known as '360 Degree Search'. Users can search for clients by entering specific criteria such as a person's first or last name, date of birth or address.
159. Depending on the circumstances, 360 Degree Search may display clients assigned to:
- the user's organisation
 - other organisations funded by the Department, via the 'Common Client Layer'.

160. Users can view the '360 Degree View' page to access more information about active clients assigned to their organisation. This allows the user to see the client's case history, information and case notes.

161. The 360 Degree View page only displays cases assigned to the user's organisation. For example, when accessing a client's 360 Degree View page, a Finding Solutions Case Worker at Melbourne City Mission:

- can view a list of the client's Finding Solutions cases allocated to Melbourne City Mission
- can access, create and delete case notes and other records within these cases
- cannot see cases or associated records created by other service providers.

162. The 360 Degree Search function is shown in Figure 3. Figure 4 shows an example of the search returns page. In the example, the search has returned two matching clients from the user's organisation and 142 matching clients from the Common Client Layer. Figure 5 shows an example of a client's 360 Degree View page.

Figure 3: CRISSP 360 Degree Search

Warning

Please be aware that all system access is audited. If you are a non-allocated worker, or do not have Organisational authority, your access to the client information will be monitored and reported.

Search

Use Saved Search:

Client ID:

First Name:

Last Name:

Birthdate: BT

Age:

Sex:

Org/Property:

Street Add:

Suburb:

Primary:

Search Names:

[Save Search Criteria](#)
 [Delete Saved Search](#)
 [Personalise Search](#)

Source: Department of Families, Fairness and Housing

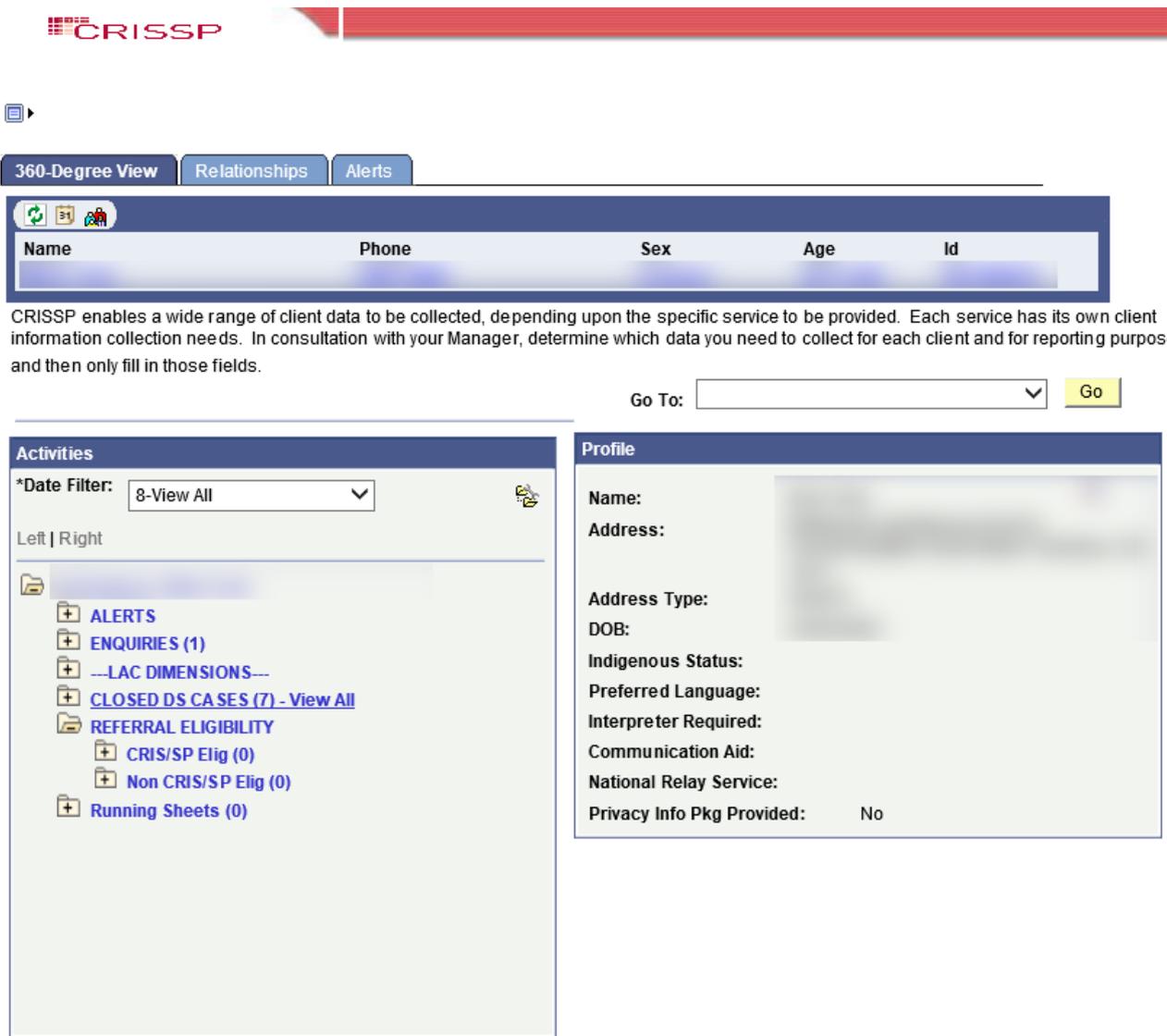
Figure 4: 360 Degree Search returns

| Search Results | | | | | | | | Customize Find View All First 1-2 of 2 Last |
|--------------------------|-----------|--------------|------------|-----------|--------------|--------|---------------|---|
| Select | Client ID | More Details | First Name | Last Name | Primary Name | Sex | Date of Birth | Address |
| <input type="checkbox"/> | 9 | | | | | Female | | |
| <input type="checkbox"/> | 9 | | | | | Male | | |

| CCL Search Results | | | | | | | | Customize Find View All First 1-50 of 142 Last |
|--------------------------|-----------|------------|-----------|--------------|------|---------------|---------|--|
| Select | Client ID | First Name | Last Name | Primary Name | Sex | Date of Birth | Address | |
| <input type="checkbox"/> | | | | | Male | | | |
| <input type="checkbox"/> | | | | | Male | | | |
| <input type="checkbox"/> | | | | | Male | | | |
| <input type="checkbox"/> | | | | | Male | | | |

Source: Department of Families, Fairness and Housing

Figure 5: 360 Degree View page



CRISSP

360-Degree View Relationships Alerts

| Name | Phone | Sex | Age | Id |
|------|-------|-----|-----|----|
|------|-------|-----|-----|----|

CRISSP enables a wide range of client data to be collected, depending upon the specific service to be provided. Each service has its own client information collection needs. In consultation with your Manager, determine which data you need to collect for each client and for reporting purposes and then only fill in those fields.

Go To:

Activities

*Date Filter:

Left | Right

- ALERTS
- ENQUIRIES (1)
- LAC DIMENSIONS—
- CLOSED DS CASES (7) - View All
- REFERRAL ELIGIBILITY
 - CRIS/SP Elig (0)
 - Non CRIS/SP Elig (0)
- Running Sheets (0)

Profile

Name:

Address:

Address Type:

DOB:

Indigenous Status:

Preferred Language:

Interpreter Required:

Communication Aid:

National Relay Service:

Privacy Info Pkg Provided: No

Source: Department of Families, Fairness and Housing

Common Client Layer

163. CRISSP and CRIS interface through the Common Client Layer. The Common Client Layer is intended to improve coordination between service providers and the Department by helping workers identify clients receiving services from multiple organisations.
164. Search returns from the Common Client Layer initially display only basic details such as the person's name, date of birth, contact number and address. This is referred to as 'pre-match' information and is intended to help the user identify if their client has an existing entry in CRISSP.
165. CRISSP then allows the user to 'match' an entry from the Common Client Layer to indicate they are providing services to the relevant client. Matching a client creates a client record assigned to the user's organisation and displays additional information. This includes other organisations (including Child Protection) that are currently working with the client, as well as details of the client's lead worker.
166. Search returns from the Common Client Layer do not include a link to the client's 360 Degree View page, meaning users cannot access that client's case history or case notes.
167. According to the Department's CRISSP Privacy Guidelines, the 'fundamental rule' governing access to information in the Common Client Layer is that a user must be about to enter a new client in CRISSP. One witness interviewed by the investigation described the process of accessing the Common Client Layer in the following terms:

If [my organisation] had a referral for a young person, say their name was John Smith, and I went to add them to CRISSP, I would type 'John Smith' ... [If] he had worked with another program funded in the same way his name would come up and it would have his name, his date of birth and possibly an address. You could [answer], 'Is this the same person?' and click 'Yes', so all of John Smith's information was together. But you couldn't see the case notes.
168. While Child Protection clients may appear in search returns from the Common Client Layer, CRISSP does not allow a user to view Child Protection case records.

Figure 6: Items displayed in the Common Client Layer

| Stage | Items displayed | |
|--|---|--|
| Pre-match | Existing client identification number | |
| | Client name | |
| | Client date of birth and accuracy | |
| | Date of client death and accuracy | |
| | Client sex | |
| | Client address | |
| | Client telephone contact | |
| | Client email address | |
| | Client preferred language | |
| | Client need for interpreter | |
| | Client need for special communication methods | |
| | Match | Key/lead worker name, organisation and contact details |
| | | Authorised representative name, address, contact details, client status, role and relationship with client |
| Significant other name, address, contact details, client status, role and relationship with client | | |
| Client indigenous status | | |
| Worker safety alerts | | |

Source: Department of Families, Fairness and Housing



Youth Justice cases

Although administered by the Department, some employees of the Youth Justice division of the Department of Justice and Community Safety are also provided access to CRIS to record their work with clients.

Youth Justice and Child Protection cases sit within separate 'silos' in CRIS, meaning that workers at each organisation are not able to access the other's cases.



Information sharing links

CRISSP and CRIS allow users to establish 'information sharing links' between organisations through the Common Client Layer.

Despite the name, creating an information sharing link does not actually provide access to information about the other organisation's cases.

Establishing an information sharing link connects otherwise separate client entries created by different organisations. This is intended to highlight that the same client is receiving services from both organisations and encourage collaboration between the parties.

Detection of the CRISSP data breach

169. Alexander Jones's unauthorised access to CRISSP was first detected on 18 October 2018 by an employee of the Youth Justice division of the former Department of Justice and Regulation.
170. This followed a routine consultation between the Youth Justice worker and a Child Protection practitioner, in which the former was notified that Child Protection was investigating a report about Alexander Jones's interactions with a shared client.
171. At the time, the Youth Justice worker recalled that a CRISSP user account belonging to a person named Alexander Jones had created an 'information sharing link' between the client's Melbourne City Mission entry in CRISSP and their Youth Justice entry in CRIS.
172. The Youth Justice worker immediately notified Child Protection of the information sharing link created by Alexander Jones and contacted the Department's Service Implementation and Support team to request an audit of his CRISSP account and user activity.
173. This audit determined the account was:
 - linked to Alexander Jones's former role at Melbourne City Mission
 - currently active
 - last used on 6 October 2018.
174. Subsequent checks by the Department confirmed Alexander Jones was no longer employed by a funded service provider and had no allocated clients in CRISSP.
175. Further audits of CRISSP identified that the user account allocated to Alexander Jones had been used following his departure from Melbourne City Mission to:
 - conduct 186 searches using the 360 Degree Search function
 - access case information relating to about 25 Melbourne City Mission clients.¹

¹ The audits showed that Alexander Jones's account also created two client entries allocated to Melbourne City Mission. During interview with the investigation, the Department's Manager Client System Support explained these entries would have been created automatically when Alexander Jones purported to 'match' the relevant clients in search returns from the Common Client Layer.

Figure 7: Excerpt of email from Manager Client System Support to Director, Service Implementation Support Branch, Department of Health and Human Services, dated 31 October 2018



Excerpt of email

Our audit outcome identifies that Alexander Jones:

- *searched and accessed ... CRISSP records contracted to Melbourne City Mission*
- *continued to access Melbourne City Mission client records after Melbourne City Mission involvement had ceased i.e. continued to look at historical data only*

Alexander Jones' security access profile:

- *only allowed Alexander Jones to review in detail Melbourne City Mission client records i.e. clients allocated to Melbourne City Mission under service agreements*
- *identifies Child Protection involvement via the common client layer but does not provide any detail or access into the Child Protection record.*

It is the responsibility of the Organisation Authority within an agency to ensure the timeliness of on boarding and off boarding of staff regarding CRISSP access. Currently, there are no audits conducted to ensure agencies are adhering to their obligations regarding the off boarding of staff (removing CRISSP access in a timely manner).

Source: Department of Families, Fairness and Housing

Figure 8: Excerpt of email from Director, Brimbank Melton Area to Director, Service Implementation Support Branch, Department of Health and Human Services, dated 31 October 2018



Excerpt of email

[The Deputy Secretary] is concerned that this initial investigation may have identified a systemic issue in relation to agencies not revoking system access to ex-employees in a timely manner ... It's an evolving and deeply concerning issue.

Source: Department of Families, Fairness and Housing

176. The Department deactivated Alexander Jones's CRISSP user account on 29 October 2018. The Department subsequently contacted Melbourne City Mission to inform it of the incident.

177. During this period, and in the weeks that followed, the Department also notified the following bodies of the data breach:

- Victoria Police
- the Office of the Victorian Information Commissioner
- the Commission for Children and Young People.



Previous privacy warnings

The Department received several reports indicating it needed to improve its oversight of privacy practices within contracted service providers in the years preceding the data breach by Alexander Jones.

In January 2017 the former Commissioner for Privacy and Data Protection completed a review into the Department's information governance practices. This review found there was 'high' need for the Department to improve information management due-diligence and compliance procedures for contracted service providers. The review noted there were 'no recent examples' of an unannounced information governance and privacy audit conducted by the Department.

The review also warned the Department that without better monitoring, there was a risk contracted service providers would not handle client information appropriately, leading to privacy breaches.

In a separate March 2017 audit, the Victorian Auditor-General found the Department was not monitoring contracted service providers' compliance with their contractual record management obligations, meaning the Department could not demonstrate these were being met.

Records supplied by the Department indicate it performed just two audits into use of the CRISSP system between July 2016 and October 2018, during the period that Alexander Jones accessed the system. These audits related to activity by specific individuals at other organisations and did not involve a review of all authorised users.

During interview with the investigation, the Department's Manager Client System Support observed that system-wide CRISSP audits 'fell by the wayside' in around 2016, when, following a restructure, the Department determined this fell outside the responsibilities of the Client System Support team.

Detection by Melbourne City Mission

178. On about 25 October 2018, by apparent coincidence, an employee of Melbourne City Mission separately queried the inclusion of Alexander Jones's name in a list of the organisation's Finding Solutions team members in CRISSP.
179. According to Melbourne City Mission's General Manager Homelessness and Family Services, staff promptly deactivated Alexander Jones's CRISSP user account at the local level and were preparing a formal notification when the organisation was itself contacted by the Department on 31 October 2018.
180. Melbourne City Mission subsequently reviewed all user access to CRISSP within the organisation. Melbourne City Mission also voluntarily reported the data breach to the Commission for Children and Young People under the Reportable Conduct Scheme.
181. In response to a draft version of this report, the Commission for Children and Young People said the data breach was not subsequently investigated under the Reportable Conduct Scheme because accessing CRISSP without authorisation was not a 'reportable allegation' under the Child Wellbeing and Safety Act.



CRISSP audit trails

CRISSP creates audit trails that allow system administrators to identify information and records accessed by users.

For example, CRISSP audit logs can be used to determine that a user has:

- searched for a particular individual or client
- accessed a particular client's 360 Degree View page
- viewed case notes or other documents recorded in a particular case
- created a client record for an organisation by matching a client in the Common Client Layer.

Figure 9 depicts an extract from the audit logs which indicates Alexander Jones:

- viewed case notes within a particular Melbourne City Mission case on 12 July 2018
- searched for and viewed a particular Melbourne City Mission client's 360 Degree View page on 16 August 2018.

Figure 9: Extract from CRISSP audit logs with client information redacted

| Component | Client | Program Area | Case ID | Added by | Transaction date |
|----------------|------------|--------------|------------|----------|-----------------------|
| ICC_CASE_NOTE | ██████████ | SPY01 | ██████████ | a40714 | 12/07/2018 11:25PM |
| RB_TD_360_SRCH | ██████████ | | | a40714 | 16/08/2018 3:34PM |
| RB_TD_360 | ██████████ | | | a40714 | 16/08/2018 3:34PM |

Source: Department of Families, Fairness and Housing (data rearranged to be chronological)

CRISSP audit trails

CRISSP creates audit trails that allow system administrators to identify information and records accessed by users.

Figure 10 depicts an extract from CRISSP 360 Degree Search logs which indicates Alexander Jones conducted three related searches on 22 April 2018, of which:

- the first specified a first name and age
- the second added a suburb
- the third added a last name.

Figure 10: Extract from CRISSP 360 Degree Search logs with client information redacted

| Search criteria | Added by | Transaction date |
|---|-----------------|--------------------|
| Setid=SP061,First=[REDACTED],Age=19,Prim=Y,SrchType=C,AgeFtr=1,SexFtr=All,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 22/04/2018 11:35AM |
| Setid=SP061,First=[REDACTED],Age=19,City=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=All,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 22/04/2018 11:35AM |
| Setid=SP061,First=[REDACTED],Last=[REDACTED],Age=19,City=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=All,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 22/04/2018 11:35AM |

Source: Department of Families, Fairness and Housing (data rearranged to be chronological)

CRISSP does not allow contracted service providers to directly generate audit logs relating to access by their staff. Requests for audits of CRISSP activity are instead required to be submitted to the Department for consideration.

Internal investigation of the data breach

182. In early November 2018, the Department formed a privacy incident working group to investigate and respond to the data breach by Alexander Jones. This body comprised senior staff, Child Protection practitioners and other relevant officers from across the Department's regional divisions.
183. The working group liaised closely with Victoria Police and met weekly until March 2019. According to records supplied to the investigation, the Department's early response to the data breach was guided by four key priorities:
- protection of children, including through containment of the incident
 - assisting the police investigation into Alexander Jones's activities
 - identifying any systemic issues and security flaws
 - managing the Department's relationship with Melbourne City Mission and other service providers.
184. Among other things, during this period, the Department:
- audited the IP addresses used by Alexander Jones to access CRISSP
 - obtained a list of Alexander Jones's clients from his Western Reconnect and Frontyard roles
 - investigated Alexander Jones's access to other client information systems
 - looked into Alexander Jones's past child-related employment
 - liaised with interstate authorities to obtain child protection and police intelligence relating to Alexander Jones
 - assisted Victoria Police to identify any child protection clients in Alexander Jones's phone records
 - contacted Working with Children Check Victoria to request suspension of Alexander Jones's Working with Children clearance.

Figure 11: Excerpt from minutes of Department of Health and Human Services privacy incident meeting convened on 20 December 2018



Excerpt of email

We need to agree [to] the appropriate balance, and where possible, be transparent. There is not a lot of value in pretending it hasn't happened, that someone hasn't accessed their information ... We are going to need to prioritise the safety of children.

Source: Department of Families, Fairness and Housing

185. The Department also commenced a Child Protection investigation into Alexander Jones's possible contact with children and young people affected by the data breach, the details and progress of which were reported back to the internal working group.

186. Although the Department liaised with Melbourne City Mission to ensure relevant information was supplied to the internal investigation and Victoria Police, Melbourne City Mission was not invited to meaningfully participate in the Department's response to the data breach.

187. During this period, the Department also declined requests from Melbourne City Mission to clarify which of the organisation's clients had been affected by the incident.

188. During interview with the investigation, Melbourne City Mission's General Manager Homelessness and Family Services commented on the level of coordination between the two bodies:

I don't feel like it was a coordinated approach. [The Department] didn't bring us along for that piece of work to ensure we were all on the same page at each and every step. We were well and truly a long arm's length away from what was going on and were only asked for little bits and pieces of information with no context.

'[Melbourne City Mission was] well and truly a long arm's length away from what was going on.'

- General Manager Homelessness and Family Services

189. In response to a draft version of this report, the Department said its ability to involve Melbourne City Mission in the response to the data breach was limited due to the Victoria Police investigation and the fact that some affected parties were not Melbourne City Mission clients.

Notifications to affected parties

190. At the request of Victoria Police, the Department refrained from notifying or interviewing individuals whose details were accessed by Alexander Jones while police investigated the incident.

191. While Victoria Police investigated, Child Protection reviewed its records relating to the affected children and young people and, in consultation with the privacy incident working group, developed a list of individuals to be interviewed.



Identifying young people for interview

Many CRISSP searches by Alexander Jones would have returned multiple client entries. The evidence shows the Department generally took a pragmatic approach when determining which of these individuals, if any, to notify and interview. Two examples are provided below:

Example 1

CRISSP audit logs indicate that on 22 September 2018, in quick succession, Alexander Jones:

- searched for a client by first name only
- conducted a further search, this time including an age
- subsequently accessed a corresponding Melbourne City Mission client's 360 Degree View page.

While the two searches conducted by Alexander Jones likely returned multiple results from the Common Client Layer, the Department in this case notified and interviewed only the young person whose file was ultimately accessed. The interview confirmed this individual was a friend of another young person linked to an earlier child protection report about Alexander Jones.

Example 2

CRISSP audit logs indicate that Alexander Jones searched for several variations of a particular name between April and August 2018. These searches variously returned client entries from Melbourne City Mission and the Common Client Layer.

Although audit logs indicate Alexander Jones did not access any case records linked to these searches, the Department recognised the search terms corresponded with a young person connected to a previous child protection report. The Department determined to interview this young person, who confirmed they had previously associated with Alexander Jones.

192. With the consent of Victoria Police, Child Protection practitioners began notifying and interviewing affected young people and their carers on 10 January 2019. Most planned interviews were completed by 30 March 2019.
193. The Department's Practice Leader Sexual Exploitation told investigators the interview process had two primary objectives:
- It was about informing the families of the privacy breach, letting them know that this had occurred, and then trying to ascertain whether or not the parents had any sort of understanding of this guy [Alexander Jones]; in terms of [whether he was] in their world or in their child's world, and to see if potentially the contact had been inappropriate, or was ongoing.
194. Those interviewed were provided general information about the data breach and were encouraged to contact a senior Child Protection practitioner to obtain further information and support. Carers were also provided with a factsheet and letter containing details about how to make a complaint to the Office of the Victorian Information Commissioner.
195. In total, Child Protection notified and interviewed about 33 affected children and young people or their carers during this period. Practitioners also interviewed a further six individuals who were not affected by the data breach but were reported to have been in contact with Alexander Jones.
196. Through these interviews Child Protection identified several young people who had previously associated with Alexander Jones. However, with the exception of Zack's disclosure (discussed in the next section of this report), the interviews did not identify actionable evidence of sexual exploitation.

Subsequent notifications

197. Records supplied by the Department indicate eleven affected parties were not approached by Child Protection or notified of the data breach until several years later, in mid-2021.
198. These comprised:
- eight individuals who were over the age of 17 years when their details were accessed
 - one young person who was mistakenly excluded because Child Protection believed them to be over 17
 - two individuals who lacked CRIS or CRISSP files at the time of the data breach, but whose names were searched by Alexander Jones.²
199. These affected parties were not selected for interview because, owing to their age or other factors, they were not considered to be at risk of sexual exploitation by Alexander Jones and therefore did not fall within Child Protection's protective remit.
200. Records supplied by the Department indicate it began interviewing and notifying the remaining affected parties in April 2021, following media reports about the data breach.
201. Over the following months, the Department managed to notify nine of these individuals. Despite robust efforts, the Department was ultimately unable to locate two affected parties, both of whom were adults at the time Alexander Jones attempted to access their information.

² Several other possible affected parties were not notified by Child Protection because their identities could not be established from the search terms used by Alexander Jones.



How many affected parties did the Department identify?

The nature of many of Alexander Jones's searches and CRISSP's Common Client Layer function make it difficult to conclusively determine the number of people who were affected by the data breach. Records reviewed by the investigation indicate the Department was able to identify about 48 specific individuals whose details he accessed or attempted to access following his departure from Melbourne City Mission.

This figure included:

- 25 existing Melbourne City Mission clients whose cases were accessed
- two individuals whose client entries he purported to 'match' in the Common Client Layer
- a further 18 individuals whose 'pre-match' information was likely viewed in search returns from the Common Client Layer
- two individuals whose details were searched but likely not returned through the Common Client Layer
- multiple 'self-searches' for the name 'Alexander Jones'.

Several of the affected parties were former clients of Alexander Jones from his roles on the Western Reconnect and Finding Solutions programs. Others were known to associate with young people connected to him. In other cases, the Department was ultimately unable to determine why Alexander Jones searched for the particular individual's information.



Did authorities speak with Alexander Jones's former clients?

While some former clients of Alexander Jones were interviewed by Child Protection because they were also affected by the data breach, the evidence indicates the majority were not spoken with by authorities after his offending towards children was identified.

Melbourne City Mission's General Manager Homelessness and Family Services told investigators they were of the understanding such interviews were going to be completed by the Department. The General Manager said this was based on statements made by the Department to the effect that it would 'notify all clients'. In response to a draft version of this report, the Department said it made a commitment to Melbourne City Mission and the Office of the Victorian Information Commissioner to notify 'clients impacted by the initial privacy breach'.

Despite this, Melbourne City Mission reviewed Alexander Jones's case files and made further enquiries into his background following the data breach. When asked about this issue, the Department's Practice Leader Sexual Exploitation advised the interviews coordinated by Child Protection focused on Alexander Jones's unauthorised interactions with young people, rather than any contact directly associated with his role at Melbourne City Mission. This witness said they couldn't recall interviews with the latter cohort being raised in any of the discussions they participated in.

Records reviewed by the investigation indicate that the Department did not clarify whether Melbourne City Mission intended to interview former clients who were not affected by the data breach.

Reports to the Information Commissioner

202. The Department formally notified the Office of the Victorian Information Commissioner of the data breach on 7 January 2019. In its notification, the Department stated that Child Protection would interview ‘impacted young people and their carers’, without providing further detail.
203. The Information Commissioner subsequently commenced an investigation into the data breach on 25 February 2019. About one year later, on 11 February 2020, a representative of the Information Commissioner wrote to the Department to confirm whether it had successfully notified all affected parties. In response, the Department accurately reported that some individuals had been excluded due to child protection considerations. The Department stated it would ‘now work with [Melbourne City Mission] to notify those clients.’
204. In fact, the Department did not attempt to notify the remaining affected parties until April 2021, following the first ABC News report about the data breach.
205. Records reviewed by the investigation do not suggest the Department intentionally misled the Information Commissioner. Instead, the failure to make the remaining notifications appeared to be the result of poor internal coordination.



What are the notification requirements following a data breach?

In Victoria, the Privacy and Data Protection Act does not require public authorities to notify the Information Commissioner of data breaches involving their systems. Nor does the Act explicitly require authorities to notify individuals whose private information may have been inappropriately accessed.

The Office of the Victorian Information Commissioner nevertheless encourages authorities to voluntarily notify it of data breaches. At the time of the data breach by Alexander Jones, the Office of the Victorian Information Commissioner also encouraged authorities to promptly notify any individuals affected by a data breach, unless this would compromise an investigation into the incident.

Section 13(a) of the Charter of Rights Act recognises that people in Victoria have the right not to have their ‘privacy, family, home or correspondence unlawfully or arbitrarily interfered with’. Notifying people affected by data breaches would generally promote the right to privacy in Victoria.

In a January 2017 review, the former Commissioner for Privacy and Data Protection warned the Department that it lacked ‘defined or documented guidance’ to help it determine whether to notify people affected by privacy incidents and ‘if so ... when and how notification should occur, who should make the notification, and who should be notified’.

The Department subsequently enacted a *Cyber Security Incident Management Plan* in January 2018. However, this document also did not provide guidance on how or when to notify parties affected by a data breach.

Further unauthorised access identified by the investigation

206. The Department's response to the data breach focused on Alexander Jones's unauthorised access to CRISSP following his departure from Melbourne City Mission.
207. However, audit logs reviewed by the investigation indicate Alexander Jones likely began misusing CRISSP significantly earlier, and within weeks of being provided access to the system.
208. These records show he used CRISSP to access Melbourne City Mission client files relating to about 64 individuals during his time at the organisation, including after his transfer to Frontyard.
209. Yet records supplied by Melbourne City Mission indicate he was allocated a total of just 13 clients in his role on the Finding Solutions program.
210. In accordance with section 26FB(1) of the Ombudsman Act, the Deputy Ombudsman wrote to the Secretary to the Department on 12 October 2021 to disclose evidence of Alexander Jones's possible earlier misuse of CRISSP.
211. Following consultation with the Department and a review of its records, Melbourne City Mission subsequently confirmed some files viewed by Alexander Jones during his employment were likely accessed without authorisation.
212. The Department subsequently decided to notify a further 27 people whose files were accessed by Alexander Jones during his employment. On 6 May 2022, it wrote to the Office of the Victorian Information Commissioner to confirm it had managed to contact most of these individuals, including three assessed as 'high risk'.
213. Prior to the investigation, Melbourne City Mission was not provided with copies of the audit logs showing Alexander Jones's CRISSP access, and would not have been able to identify this issue earlier.

Zack's disclosure

214. Child Protection practitioners first interviewed Zack and his mother about the data breach by Alexander Jones in February 2019. Zack was 13 years old at the time of the interview.
215. At the time, the Department was aware that Alexander Jones had searched for Zack's information in CRISSP following his departure from Melbourne City Mission.
216. When interviewed about the data breach, Zack told Child Protection he was first approached by Alexander Jones at Flinders Street Station in early 2018. He said they traded social media details and subsequently arranged to meet again.
217. Zack disclosed that Alexander Jones later took him to a hotel room and raped him.
218. Zack said Alexander Jones threatened him not to tell anybody about the sexual assault. He recalled Alexander Jones claimed to be a former Marine who had 'done background checks' and knew all about him. Zack said to prove this, Alexander Jones looked up and recited private information about another young person known to Zack.
219. Child Protection encouraged Zack to immediately make a statement to Victoria Police. During interview with the investigation, Zack's mother recalled feeling pressured and worrying about the family's safety:

[I remember] saying, 'I don't know what information this guy has on me. I don't know what to do.' I was worried about our safety, you know, making a statement if it's not guaranteed that they're going to get locked up straight away. And then I was worried that they've typed in notes to say that [Zack]'s now disclosed this, and is he [Alexander Jones] looking at that; able to see that?

'[I remember] saying, "I don't know what information this guy has on me. I don't know what to do." I was worried about our safety.'

- Zack's mother

220. Child Protection subsequently developed a Case Plan for Zack and assisted the family to connect with a number of support organisations. After Zack's mother expressed safety concerns, the Department also helped the family relocate to another property.
221. In a personal statement to the Ombudsman, Zack's mother explained:

The Department moved us, [because we felt] worried and scared and our home didn't feel like a safe place. We were walking on eggshells, and my son didn't want to leave me in the house by myself either for fear I could be hurt. [We were concerned that Alexander Jones] had been able to see things like my workplace, our address.

All the children suffered - we had gone from a home with a lot of space to one child living in the lounge room until other accommodation was sorted about six months later. The kids had to leave all their friends, not being able to just walk to see the friendship [groups] they had had for eight years. They hated it. They didn't know what had happened, and I had made them disconnect from those groups of friends by moving.

222. During interview with the investigation, Zack's mother said she appreciated some of the Department's assistance, but contrasted it with the level of support previously offered to her when she sought help with Zack's behaviours around the time of the sexual assault:

I guess I really had no understanding of how their system worked. I called them several times trying to get ... help, because I felt like everything I was doing was not working. And each time I called, I just got, 'You're doing everything we can, and you're doing the right things. You're being a protective parent; we don't need to get involved.'

...

Then they've contacted me about the data breach, and [Zack] disclosed [the connection between the data breach and the sexual assault]. And then, all of a sudden, they were reengaging ... They were involved, and very heavily involved with everything, with his school, with his workers, setting up meetings.

223. Zack made a recorded statement to Victoria Police in April 2019. Zack's mother told investigators that contact from the Department 'pretty much' stopped after this. She observed that many of the services offered to Zack also later 'dropped off' due to funding limitations or staff turnover.

224. At interview, Zack's mother and advocate each said they felt this lack of continuity in support was a critical issue hampering Zack's recovery as a survivor of sexual abuse.

225. In response to a draft version of this report, the Department said it believed Child Protection had supported Zack before and after his disclosure. The Department also said it connected Zack with several ongoing support services following his disclosure. The Department said it believed it had 'provided appropriate services' to Zack, but 'acknowledge[d] Zack's mother's experience'.

226. Zack's mother told investigators the family continued to struggle with the impacts of the sexual assault:

I don't think I can even put into words how very, very, very much it has impacted us with every aspect of our lives ... It was just horrible. I've always been very forthcoming with DHHS, you know, I've got nothing to hide - 'This is exactly what's going on'. And it just really hasn't been like that from their end. I've just felt it's more about saving them than actually protecting my children.

'I don't think I can even put into words how very, very, very much it has impacted us with every aspect of our lives.'

- Zack's mother

Meeting with Melbourne City Mission

227. Zack's mother recalled meeting with representatives of Melbourne City Mission with the Department's assistance in March 2019, following Zack's disclosure.

228. She said those attending from Melbourne City Mission 'couldn't understand why [she] was there' and didn't seem to be aware of the sexual assault:

They didn't seem to know a lot of what was going on. They specifically said to me in the meeting, 'We're just so glad that nothing's come out of it.' At that point, I was trying to be smart, and not say what had happened, because I wanted some information ... I was trying to play it smart, as hard as it was to sit there and hear them say, you know, 'We're just so glad...'

229. Zack's mother recalled Melbourne City Mission wasn't able to clarify details of the data breach, and ultimately reneged on an undertaking to get back in touch with her with further information:

They were going to get me a timeline of what they had. They were going to be calling me the next day. [The General Manager Homelessness and Family Services] was going to be calling [the Department's senior manager].

My assumption is he did call [the senior manager], and [the senior manager] disclosed what had happened to [Zack], because after that I did not get a call back. I called, I left messages ... I got nothing ever after that meeting.

'They didn't seem to know a lot of what was going on. ... I was trying to play it smart, as hard as it was to sit there and hear them say, you know, "We're just so glad [nothing's come out of it]".'

- Zack's mother

230. During interview, Melbourne City Mission's General Manager Homelessness and Family Services confirmed the organisation was not briefed by the Department about Zack's disclosure prior to the meeting. The General Manager explained:

I had a phone call randomly from [the Department] asking if I'd be happy to talk to any [individuals who] were Melbourne City Mission [clients] who had been affected or had some interaction with Alex Jones, that came to them. I said 'Absolutely, [although] I'm not sure what I can tell them because all I know is that there was a breach,' and that was all I really knew at that point in time.

231. The General Manager said they weren't familiar with CRISSP's Common Client Layer function at the time and were a 'bit in the dark' about the purpose of the meeting and Zack's possible connection to the data breach, given he was not a Melbourne City Mission client. They recalled they attempted to obtain further information about Zack's situation from the Department but did not receive a response by the time the meeting began.

Figure 12: Excerpt of General Manager's notes of the meeting with Zack's mother and advocate



Excerpt from minutes

I spoke with both the mum and the [advocate] and said that I was unsure as to why they were coming to see me. [Zack's mother] said that they had been put onto me by DHHS [...]. [S]he said they were giving her the run around and not answering any of her calls or questions but they said that we could.

I told them everything that I knew which was one of ex-employees had access to the CRISSP data base after he left our organisation and that we had not deactivated him. That was all I knew.

They asked the time frame of his employment and time frame of when we deactivated him. The rest of the conversation was both parties being confused as to why they were sent to us.

Source: General Manager Homelessness and Family Services, Melbourne City Mission

232. In response to a draft version of this report, the General Manager commented:

It is important to make clear that Zack was not a client of Melbourne City Mission, which is the main reason neither I nor, so far as I could tell, [Zack's mother or advocate] had a clear understanding of why DHHS had requested us to meet, what information they were seeking or what could be provided to them by Melbourne City Mission.

233. The General Manager acknowledged the organisation undertook to provide further information to Zack's mother after the meeting. The General Manager said they subsequently recognised Melbourne City Mission was not in a position to provide the information Zack's mother was seeking. The General Manager said they instead contacted somebody at the Department, who confirmed they would clarify the circumstances of the data breach directly with the family.

234. The General Manager observed Melbourne City Mission should have 'closed the loop' with Zack's mother at the time and acknowledged the family would be justified in feeling upset with the organisation.

235. In response to a draft version of this report, the General Manager commented:

I regret that this meeting contributed to Zack and [his mother's] confusion about Melbourne City Mission's role in the occurrence and resolution of [Alexander] Jones's actions and that Melbourne City Mission didn't directly contact [Zack's mother] again to provide the information she had requested, despite my understanding that the Department would do that.

236. In response to a draft version of this report, the Department denied facilitating the meeting between Zack's mother and Melbourne City Mission.

237. After receiving a draft version of this report, Melbourne City Mission's Chief Executive Officer and Chair met with Zack's mother and provided an apology on behalf of the organisation.

Information provided to Zack's family

238. The investigation found that Zack's mother was provided inaccurate and contradictory information about Alexander Jones's access to Zack's information in CRISSP.

239. According to Zack's mother, the family was initially provided only very general information about the data breach:

[The Child Protection practitioner] didn't say a lot, it was very general: 'He's been able to access some files, he's accessed quite a few children's files.' ... I guess her main thing was trying to see whether there had been any inappropriate contact.

240. Zack's mother told investigators she subsequently contacted Child Protection to request further information and spoke with a senior practitioner. This person consulted with the Department's legal team and informed her Alexander Jones had been able to view all of Zack's case information in CRISSP, as well as details about Zack's siblings. This was incorrect.

241. The Department's Practice Leader Sexual Exploitation acknowledged providing this information to Zack's mother. This was based on confusion within the Department at the time about the different levels of access to case information in CRISSP:

I'd got a bit confused about the situation as well. ... Initially the information was that [Alexander Jones] could see [information in the Common Client Layer]. If it was discussed at any level with a parent, that's what was discussed.

...

I had a phone call with someone from Central division, and in that conversation they had said, 'No, he could see [case] notes and docs'. ... And then I followed it up with [Zack]'s mother and said that he could see all notes and docs. And then afterwards [they've] come back and said, 'No, he could only see the [Common Client Layer information]'. ... At that point I'm like, 'Look, we've actually just given this lady mixed information.'

242. Zack's mother said she was later contacted by a senior manager within the Department, who took back the previous advice and purported to clarify that Alexander Jones was only able to access limited information about Zack through CRISSP's Common Client Layer function.

'[I said], "Look, we've actually just given this lady mixed information. I know it was a misunderstanding, but we've still given [her] mixed information.'

- Practice Leader Sexual Exploitation

243. Zack's mother recalled the Department later wrote to her to confirm this position. In the letter, the Department stated that Alexander Jones 'was able to see [Zack]'s name and address and no other information'. This was also incorrect.

244. At the time of her interview with the investigation, Zack's mother said this was still the most recent advice she had received from the Department. She said she was later dismayed when, during a sentencing hearing, prosecutors told the County Court of Victoria that Zack's information was 'not successfully accessed' by Alexander Jones. Zack's mother told investigators she was still seeking confirmation of what information Alexander Jones actually accessed about Zack in CRISSP.

Figure 13: Excerpt of letter from the Department to Zack's mother dated 20 April 2019



Excerpt of letter

I am writing to confirm that an audit and analysis was undertaken which confirms that Mr Jones had unauthorised access to [Zack]'s electronic client file in May and June 2018. Mr Jones accessed the 'common client layout' [sic] which means he was able to see [Zack]'s name and address and no other information. I can also confirm that he did not obtain any other information including information about your other children.

Source: Department of Families, Fairness and Housing

What information did Alexander Jones see about Zack?

245. CRISSP 360 Degree Search logs supplied to the investigation indicate Alexander Jones first searched for Zack's information in CRISSP on 5 May 2018, corresponding with the evening he approached Zack at Flinders Street Station.
246. Alexander Jones conducted five further searches for variations of Zack's details between 5 May and 9 June 2018. This included one search on the afternoon of the sexual assault.
247. These searches are depicted in chronological order in Figure 14.
248. While the 360 Degree Search logs confirm Alexander Jones searched for Zack's information in CRISSP, they do not specify what client information was returned through these searches or clarify whether this included a client entry corresponding to Zack.
249. In response to a summons from the Ombudsman, the Department said it no longer considered Zack's information was displayed in any of the search returns accessed by Alexander Jones.
250. The Department clarified that Zack did not have a client entry in CRISSP because he had not previously received services from a funded program using this system.

Figure 14: Extract from CRISSP 360 Degree Search logs depicting Alexander Jones's searches for Zack's details with identifying information redacted

| Search criteria | Added by | Transaction date |
|--|-----------------|---------------------|
| Setid=SP061,First=[REDACTED],City=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=ALL,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 05/05/18 10:00PM |
| Setid=SP061,First=[REDACTED],City=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=ALL,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 05/05/18 10:01PM |
| Setid=SP061,First=[REDACTED],Last=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=ALL,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 16/05/18 8:48PM |
| Setid=SP061,First=[REDACTED],Last=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=ALL,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 27/05/18 3:03PM |
| Setid=SP061,First=[REDACTED],Last=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=ALL,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 05/06/18 12:41PM |
| Setid=SP061,First=[REDACTED],Last=[REDACTED],Prim=Y,SrchType=C,AgeFtr=1,SexFtr=ALL,Both=1,SrchRes=ALL,ResLimit=300 | Alexander Jones | 09/06/18 12:26PM |

Source: Department of Families, Fairness and Housing (data rearranged to be chronological)

251. The Department advised that although Zack did have a client entry in CRIS arising from past Child Protection involvement, this would not have been displayed in search returns from the Common Client Layer because Zack was not an 'active' client at the time of Alexander Jones's searches.
252. The Department's Manager Client System Support explained that not all clients in CRISSP and CRIS are 'visible' in the Common Client Layer, and that a client's visibility can change with time.
253. For a client to be visible to all CRISSP users and therefore appear in search returns from the Common Client Layer, they must be both:
- classified as 'unrestricted' (CRIS and CRISSP allow organisations to identify 'restricted' and 'confidential' clients to prevent them appearing in the Common Client Layer, but by default, all clients are initially classified as unrestricted)
 - currently 'active', meaning they must have an open case recorded in CRIS or CRISSP (Child Protection and service providers are expected to close cases when they finish providing services to a client).
254. The Manager Client System Support explained that each CRISSP search is a 'point in time' event, meaning search returns can differ depending on when a search is conducted.
255. For example, the same search conducted in January 2021 may return substantially different search results if conducted a year later, because:
- new client entries matching the search terms may have been created
 - clients that were previously 'visible' in the Common Client Layer may no longer be visible (i.e. if they are updated to the 'restricted' status or no longer have an open case), and vice versa.
256. According to the Manager Client System Support, identifying whether a particular unrestricted client entry was displayed in the Common Client Layer involves manually checking whether the client was active in CRIS or CRISSP when the search was conducted.
257. This can be determined by reviewing the client's 360 Degree View page to determine what cases, if any, would have been open at the time. If no cases were open, the client would not have appeared in search returns.
258. At the request of the investigation, the Department provided a demonstration of the CRISSP system and the methodology used to determine whether Alexander Jones accessed Zack's information.
259. This demonstration showed Zack did not have an open Child Protection case at the time Alexander Jones searched for his information.
260. The Department's position was supported by separate audit logs supplied to the investigation showing Alexander Jones's access to CRISSP case information.

261. These indicate Alexander Jones only ever accessed case information relating to clients of Melbourne City Mission. They do not suggest Alexander Jones viewed Zack's 360 Degree View page or associated case records or purported to 'match' Zack's information in the Common Client Layer, as these actions would have each created an audit trail.

262. Based on this evidence, and considering other information supplied by the Department, the investigation was ultimately satisfied that Alexander Jones did not use CRISSP to access information about Zack.

263. The evidence indicates the Department first identified Alexander Jones did not successfully access Zack's information on 31 October 2018. In an internal email to senior officers, the Department's Manager Client System Support reported that searches relating to Zack would have returned 'no results'.

264. This was three months before the Department first notified Zack's mother that Zack's information was accessed in the data breach.

265. During interview with the investigation, the Manager Client System Support said they couldn't explain why this occurred or why their previous advice concerning the issue wasn't heeded.

266. In July 2021, when the Ombudsman commenced her investigation, the Department still hadn't advised the family that it no longer considered Zack's information was accessed by Alexander Jones.

267. Lawyers for the Department notified Zack's mother of this issue in February 2022, towards the end of the investigation.

268. In a personal statement to the investigation, Zack's mother reflected:

It has now been three years since this all started, and the emotional toll of fighting for information [about what Alexander Jones accessed] has been exhausting and draining. We have been misled, spoken to by people who did not have the right information, lied to, or just refused answers. ...

It has taken time away from my kids, both physically and emotionally – me trying to get answers. Time [where] I should have only been focused on what happened [to Zack] and dealing with the repercussions of the assault on my son, dealing with all of our feelings – being sad and angry about what had happened [and] comforting my son with nothing else weighing in. Instead I was left fighting for answers.

[I was] playing detective at a time when the Department and Melbourne City Mission should have just been forthcoming with information. ... It should have been about [Zack's] welfare, his needs, his safety! To date we have never received an apology from the Department ... [about] how [the data breach] was all handled. ... As recently as this year, [the Department] informed me they only [became] aware [Alexander Jones did not access Zack's information] once the Ombudsman started this investigation. Also, not true. This has impacted our family so very, very much, at a time that was already [so] traumatic.



Is there other evidence Alexander Jones used CRISSP to groom Zack?

Records supplied by the Department of Justice and Community Safety show Victoria Police held concerns that Alexander Jones accessed information in CRISSP 'to befriend youths and form relationships with them'.

Zack's mother told investigators the family continues to suspect Alexander Jones used information in CRISSP to groom Zack.

She noted Alexander Jones's conversations with Zack appeared to exploit subjects that were likely to be recorded in Zack's Child Protection case history, such as his keen interest in motor vehicles and the recent loss of a close family member.

During interview with the investigation, the Department's Manager Client System Support gave evidence that it is not possible to view Child Protection case records in CRISSP. As noted above, audit logs supplied to the investigation also do not indicate Alexander Jones accessed information relating to Zack.

There is also circumstantial evidence Alexander Jones used similar subjects to pursue relationships with other young people. For example:

- records indicate Victoria Police identified concerns in 2018 that he was 'using an interest in cars' to groom vulnerable adolescents
- during an interview in January 2019, Child Protection identified that he had told another young person they 'reminded him of his deceased brother'.

Despite this, there is still evidence Alexander Jones used other information obtained from CRISSP to exploit Zack.

In particular, audit logs indicate Alexander Jones likely used CRISSP to access information from the Common Client Layer about another young person known to Zack on the afternoon of the sexual assault.

This corresponds with Zack's recollection that Alexander Jones recited private information about the other young person when threatening him not to approach authorities.

Records indicate the Department notified this young person and their carer of the data breach and confirmed they were not approached by Alexander Jones.

Response to the data breach

269. Based on Zack's evidence, Alexander Jones was charged and ultimately pleaded guilty in the County Court of Victoria to sexually penetrating a child under the age of 16 years.

270. Alexander Jones was also separately prosecuted in the Magistrates' Court of Victoria for accessing CRISSP without authorisation. In total, he was sentenced to an effective period of six years' imprisonment for both offences.

271. The investigation received evidence of several reforms implemented by Melbourne City Mission and the Department following identification of the data breach by Alexander Jones.

272. These appeared to largely address the most significant privacy risks and other vulnerabilities highlighted by the incident.

Reforms implemented by Melbourne City Mission

273. Following identification of the data breach, Melbourne City Mission engaged a former Victorian Privacy Commissioner to conduct a broad review of the organisation's privacy practices.

274. This review found Melbourne City Mission's policies and procedures appeared 'ad hoc' and did not result in a 'coherent, overarching [or] consistent organisation-wide approach to privacy compliance'.

275. The review made nine recommendations to Melbourne City Mission, including that it:

- revise each of its policies and procedures to better integrate privacy considerations
- implement a 'double-lock' system for deactivating CRISSP user accounts
- conduct quarterly audits of employee CRISSP access

- review each its service delivery arrangements to identify and ensure compliance with all contractual privacy obligations.

276. Melbourne City Mission accepted and implemented all recommendations from the review. As part of this process, the organisation recruited a fulltime Privacy Officer, responsible for coordinating privacy education and compliance activities and undertaking secondary consultations with staff.

277. Melbourne City Mission also engaged a consultancy firm to review its recruitment, onboarding and offboarding practices. The review assessed these practices as 'developing' and made six recommendations for improvement, including that the organisation clarify the specific safety screening checks required for each position. Melbourne City Mission subsequently accepted and implemented all recommendations.

278. According to Melbourne City Mission's General Manager Homelessness and Family Services, the organisation has also implemented a new Human Resources information system to centralise onboarding, offboarding and training processes. Senior Managers and Operations Managers are now also required to submit monthly reports confirming their onboarding and offboarding activities.

279. During interview with the investigation, Melbourne City Mission's General Manager Corporate Services gave evidence that the organisation is also in the process of introducing an integrated client information system for use across its Homelessness, Youth, Justice and Family Services programs. This system, which Melbourne City Mission is seeking to integrate with CRISSP, will allow managers to directly monitor user access to client information.

Reforms implemented by the Department

280. In December 2018, the Department undertook a 'root cause analysis' into the circumstances of the data breach. This review found the incident resulted from a combination of local process failures, inadequate compliance monitoring of contracted service providers and a failure to regularly audit CRISSP user access.
281. The Department subsequently developed a process for CRISSP user information to be regularly shared with funded service providers. Under a new attestation process, organisations are required to conduct quarterly self-audits of this information and declare its accuracy or risk having their CRISSP access disabled.
282. In response to a recommendation from the Information Commissioner, the Department also developed proposed amendments to the contractual framework governing CRISSP access to clarify the respective obligations of the Department and funded service providers.
283. In a March 2021 report to the Information Commissioner, the Department confirmed it was also:
- developing a risk-tiering approach to identify funded service providers requiring greater oversight
 - delivering new training sessions to service providers about their privacy obligations.



What steps have been taken to prevent similar data breaches involving CRISSP?

Following the data breach by Alexander Jones, Melbourne City Mission implemented a 'double-lock' system for deprovisioning CRISSP accounts. In accordance with this process, supervisors are required to submit an 'Employment Change Form' or 'Employment Cessation Checklist' to Melbourne City Mission's People and Culture Team whenever an employee changes roles or leaves the organisation.

Both forms include a specific prompt the supervisor must sign to confirm they have cancelled access to any external information systems such as CRISSP. This attestation is then separately reviewed and endorsed by a member of the People and Culture team. Employees leaving the organisation cannot receive their final pay until the form has been satisfactorily completed and endorsed.

Melbourne City Mission has also developed and implemented a CRISSP Database Access Policy. Under this policy, operational managers are required to conduct monthly audits of CRISSP user lists to verify their accuracy. Results are then cross-checked by the People and Culture team against employment records. Under proposed changes to the CRISSP User Agreement developed by the Department, funded service providers will be contractually obliged to deactivate CRISSP user accounts within three business days of an employee's departure or change of roles.

Service providers are now also required to audit a list of their CRISSP users at least once every three months and report the results to the Department. Audit results are shared with the Department's Audit and Risk Committee to inform broader agency monitoring activities.

Victoria's Working with Children Check scheme

284. Victoria's Working with Children Check scheme is intended to assist in protecting children and young people from harm by ensuring that people who work with or care for children are screened by the Victorian Government.
285. Under the scheme, individuals seeking to work with children must first apply to Working with Children Check Victoria ('WWCC Victoria'), a business unit within the Department of Justice and Community Safety, for a Working with Children clearance. It is an offence for a person to knowingly or recklessly engage in child-related work without a current clearance.
286. Alexander Jones was first granted a Working with Children clearance in April 2016, when he commenced working at Melbourne City Mission. This clearance was later revoked by WWCC Victoria in May 2019, after the data breach and his related sexual assault of Zack was identified.
287. The investigation did not identify any concerns about the actions of WWCC Victoria in assessing and later revoking Alexander Jones's Working with Children clearance. This was because they appeared entirely compliant with the requirements of the Working with Children Act, which was in force at the time.
288. Yet the decision to grant Alexander Jones's clearance highlights legislative constraints that undermine the effectiveness of the Working with Children Check scheme. These include:
- limitations on the type of information that can be considered when assessing an application for clearance to work with children
 - significant restrictions on the power to reassess and revoke a person's clearance to work with children, once concerns are identified.

Why Alexander Jones was permitted to work with children

289. Alexander Jones was already the subject of serious child protection concerns at the time he applied for a Working with Children clearance to work at Melbourne City Mission.
290. This included evidence he was:
- investigated by interstate police as a 'person of interest' in relation to several serious offences, including an alleged rape and the alleged sexual exploitation of a child
 - flagged by interstate child protection authorities as a person suspected of sexually abusing a child
 - subject to multiple Apprehended Violence Orders, including an order restricting his interactions with a young person deemed at risk of sexual exploitation.
291. Information about the above matters was not disclosed or available to WWCC Victoria when it assessed Alexander Jones's Working with Children Check application.
292. Concerningly, this information, on its own, would not have provided statutory grounds to refuse Alexander Jones a Working with Children clearance, had it been disclosed to WWCC Victoria.

WWC assessment process

293. The *Worker Screening Act 2020* (Vic) establishes the processes WWCC Victoria must use to assess applications for Working with Children Checks.³ According to section 11 of the Worker Screening Act, the 'paramount consideration' of all decisions made under the scheme must be 'the protection of children from sexual or physical harm'.

294. Once a Working with Children Check application is made, WWCC Victoria:

- must generally arrange for a police record check on the applicant
- must seek information about any interstate working with children applications or clearances relating to the applicant
- may make enquiries with and consider information from other bodies such as the Director of Public Prosecutions
- may seek further information from the applicant themselves.

295. Depending on the applicant's criminal history and other factors, WWCC Victoria is then required to determine what category the application fits into. Based on the category and the information available, WWCC Victoria must then either grant or refuse the application.

³ At the time of Alexander Jones's application, these processes were established by the former Working with Children Act. Changes introduced to the Working with Children Check scheme by the Worker Screening Act are not materially relevant to the present investigation.

Figure 15: Working with Children Check categories and outcomes

| | Criteria | Outcome |
|-------------------|---|---|
| Category A | Individuals subject to sex offender reporting obligations | Clearance must be refused save for in exceptional circumstances |
| | Individuals charged with, convicted or found guilty of serious offences such as murder, rape or sexual offences against children | |
| Category B | Individuals charged with, convicted or found guilty of other serious offences such as serious violent and drug offences and sexual offences against adults | Clearance must be refused unless granting it would not pose an unjustifiable risk to the safety of children |
| Category C | Individuals charged with, convicted or found guilty of offences not identified in Category A or B | Clearance must be granted unless: <ul style="list-style-type: none"> • doing so would pose an unjustifiable risk to the safety of children • a reasonable person would not allow their child to have direct contact with the individual in the course of child-related work • the applicant's engagement in child-related work would pose an unjustifiable risk to the safety of children |
| | Individuals subject to relevant disciplinary or regulatory findings | |
| Other | Individuals who have not been charged with, convicted or found guilty of any offences and who have not been subject to relevant disciplinary or regulatory findings | Clearance must be granted |

Source: Victorian Ombudsman, based on the *Worker Screening Act 2020* (Vic)

Clearance provided to Alexander Jones

296. Alexander Jones first applied to WWCC Victoria for a Working with Children Check on 17 March 2016.
297. WWCC Victoria undertook a police record check in accordance with section 58(1) of the Worker Screening Act. This disclosed only minor dishonesty offences committed in New South Wales and Queensland. Alexander Jones's application was accordingly assessed as a Category C application and granted in April 2016.
298. The police record check undertaken by WWCC Victoria did not identify evidence of the serious interstate child protection concerns relating to Alexander Jones, including the fact he was previously investigated by NSW Police Force for two alleged Category A offences.
299. During interview with the investigation, the Director of WWCC Victoria explained that information disclosed in police record checks is generally limited to criminal charges that have been laid by police. Information about police investigations or Intervention Orders that do not result in criminal charges is not disclosed.
300. But even if WWCC Victoria had received this information, it would not have formed a basis to refuse an application for a Working with Children Check under section 68(1) of the Worker Screening Act. In practice, this means WWCC Victoria must grant clearances to applicants who have been investigated but not charged in relation to serious criminal allegations, unless other grounds exist to refuse them.
301. The Director of WWCC Victoria observed that the unit's 'hands are tied' in circumstances where these grounds do not exist:
- We get information that's quite concerning sometimes, but we can't do anything with it. There has to be a trigger and it has to either be a criminal history or it has to be a prescribed [disciplinary or regulatory] finding. Outside of that, our hands are tied.
- 'We get information that's quite concerning sometimes, but we can't do anything with it. There has to be a trigger.'***
- Director of WWCC Victoria
302. In the present case, the Director of WWCC Victoria confirmed the prior interstate investigations into Alexander Jones's activities would not have constituted grounds to refuse him a Working with Children clearance, even if this information had been voluntarily disclosed to the screening authority.

Why Alexander Jones's clearance was not revoked until May 2019

303. Alexander Jones's Working with Children clearance was first revoked by WWCC Victoria in May 2019, about six months after the data breach involving CRISSP was identified.

304. In that six-month period, WWCC Victoria was notified Alexander Jones was continuing to apply for child-related work with organisations engaging with vulnerable young people.

305. WWCC Victoria was also notified that:

- there were interstate child protection concerns relating to him, including the previous New South Wales Police investigations into alleged sexual offences
- there were multiple reports made to Child Protection alleging he was grooming vulnerable young people
- there was a reportable conduct investigation into child exploitation material allegedly found on his laptop
- he was flagged by Child Protection as a 'person of interest' on the Sexual Exploitation Register
- Zack had disclosed to Child Protection that he was raped by Alexander Jones.

306. Yet WWCC Victoria was unable to reassess Alexander Jones's suitability to hold a Working with Children clearance based on any of this information.

307. Instead, his clearance was ultimately revoked on procedural grounds, after he failed to provide information requested by WWCC Victoria about largely unrelated dishonesty offences.

WWC reassessment powers

308. Section 78(1) of the Worker Screening Act requires WWCC Victoria to reassess a person's eligibility to hold a Working with Children in certain circumstances.

309. These include where WWCC Victoria is notified the person has, since receiving a clearance, been:

- charged with, convicted or found guilty of a Category A or Category B offence
- subject to a relevant disciplinary or regulatory finding, including a substantiated finding of reportable conduct under Victoria's Reportable Conduct Scheme
- excluded from child-related work by an interstate child-safety screening authority.

310. When reassessing a person's suitability to hold a Working with Children clearance, WWCC Victoria is permitted to:

- consider any notices given to it by disciplinary or regulatory entities, and make further enquiries with such bodies
- make enquiries with and seek information from other sources such as the Director of Public Prosecutions
- require the person to provide further information within a specified period of time.

311. WWCC Victoria classifies reassessments within either Category A, Category B or Category C, using the same criteria as the assessment process.

312. WWCC Victoria is generally required to revoke a person's clearance if they fall within Category A or B. Category C clearances must not be revoked unless WWCC Victoria is satisfied there is a risk to the safety of children, having regard to specific legislative criteria.
313. WWCC Victoria must give written notice to the person before determining to revoke a Working with Children clearance. WWCC Victoria must consider any response from the person before making a decision and can revoke a person's clearance if they fail to respond within a specified period of time.
314. WWCC Victoria is required to suspend a person's Working with Children clearance pending a reassessment in circumstances where they have been made subject to sex offender reporting obligations or charged with, convicted or found guilty of certain Category A or Category B offences. The Worker Screening Act does not otherwise allow WWCC Victoria to suspend a person's clearance pending a reassessment.

Reassessment of Alexander Jones's clearance

315. WWCC Victoria was first notified of concerns relating to Alexander Jones's contact with children on 22 October 2018, immediately after the data breach was detected.
316. The Department subsequently wrote to WWCC Victoria on 3 December 2018 to request it urgently suspend Alexander Jones's Working with Children clearance while Victoria Police and Child Protection investigated the incident.
317. In the letter, the Department provided an overview of the data breach and child protection concerns relating to Alexander Jones at the time, including information obtained from New South Wales child protection authorities.

Figure 16: Excerpt of correspondence from Assistant Director, Office of Professional Practice, Department of Health and Human Services, to Director of Working with Children Check Victoria dated 3 December 2018



Excerpt from correspondence

Mr Jones is known to the Department of Health and Human Services child protection program due to his ongoing and apparent grooming of vulnerable children known formerly to child protection or subject to current involvement. Mr Jones has been identified by the department as a person of interest and a believed perpetrator of child sexual exploitation ...

Despite the department and Victoria Police implementing a range of proactive measures to cease his contact with children, Mr Jones's active WWC status enables him to proactively seek employment with services that bring him into contact with vulnerable children.

Source: Department of Justice and Community Safety

318. Under the Working with Children Act (which was in force at the time), the information provided by the Department did not constitute grounds to suspend or reassess Alexander Jones's Working with Children clearance. This was because Alexander Jones had not been charged with, convicted or found guilty of a criminal offence or made subject to a relevant disciplinary or regulatory finding.
319. WWCC Victoria nevertheless promptly contacted the Department and Victoria Police to seek further information about the various investigations relating to Alexander Jones.
320. The Director of WWCC Victoria recalled the purpose of these enquiries:
- I said, 'Give me what you've got.' The theory being that [we would] look through it and see, 'Have we got anything - that hook that will trigger a reassessment?'
321. Following enquiries, on 14 February 2019, the Department supplied WWCC Victoria with detailed intelligence reports from Child Protection, Victoria Police and NSW Police Force.
322. These reports included additional information about the Victorian Child Protection reports concerning Alexander Jones, including Zack's recent disclosure. They also summarised the various law enforcement investigations into his alleged conduct, including the interstate Apprehended Violence Orders and alleged sexual offences investigated by NSW Police Force.
323. The Department also notified WWCC Victoria that Alexander Jones had allegedly recently provided false information to a prospective employer in an effort to obtain further child-related work.
324. All the information supplied by the Department still did not provide WWCC Victoria with legislative grounds to reassess Alexander Jones's Working with Children clearance.
325. The Director of WWCC Victoria observed:
- [It was] frustrating and concerning. ... [I remember saying], 'This guy is desperate. He wants to get access to children. We have to do something here.' We had no other trigger [to reassess his clearance].
- '[I remember saying], "This guy is desperate. He wants access to children. We have to do something here".'***
- Director of WWCC Victoria
326. According to the Director of WWCC Victoria, the screening authority was subsequently informed of Victoria Police's intention to charge Alexander Jones with dishonesty offences arising from his failure to return a rental vehicle. The Director described this event as a 'light bulb moment':
- We saw he was in the car with children. And that was like, 'Oh hang on, we can ask him a question about that' ... We wouldn't normally receive those pending charges as part of ongoing monitoring because it's not normally an indication of risk to children, but once we were aware of it, we did ask Victoria Police from memory to send us the charges.

327. On 20 February 2019, WWCC Victoria wrote to Alexander Jones to provide notice of its intention to reassess his Working with Children clearance. Alexander Jones was asked to respond to a summary of the dishonesty charges and provide information about his relationship with a young person allegedly in his company at the time of the alleged offences.
328. Alexander Jones did not respond to the notice of reassessment within the specified timeframe. After providing further statutory notice of its intention to do so, WWCC Victoria revoked his Working with Children clearance on 3 May 2019.
329. Owing to his subsequent conviction for sexual penetration of Zack and status as a registrable sex offender, Alexander Jones is now prohibited from applying for a further Working with Children Check under section 129(a) of the Worker Screening Act.
332. For example, New South Wales's screening authority has discretion to scrutinise any applicant's suitability to work with children, regardless of their criminal or disciplinary history. When conducting an assessment, this body is permitted to consider 'any order of a court or tribunal' in force in relation to the applicant, as well as 'any other matters' considered necessary.
333. Similar schemes in the Australian Capital Territory and South Australia allow child protection and family violence orders to be considered. South Australia's screening authority is also permitted to consider child protection intelligence and is required to conduct more detailed risk assessments for applicants investigated for alleged sexual abuse, even where not substantiated.
334. Queensland's screening authority is able to consider 'investigative information' identified by police. This can include evidence of alleged sexual offences against children that have not resulted in criminal charges due to the child's inability or unwillingness to give evidence, provided other procedural criteria are met. This body is also able to consider other information relating to the applicant's risk to children and young people, which can be used to refuse a clearance in exceptional circumstances.

Information considered by interstate screening authorities

Assessable information

330. Unlike in Victoria, most other Australian child-safety screening authorities are permitted to consider evidence of conduct that does not result in criminal charges or disciplinary findings when assessing a person's suitability to work with children and young people.
331. Depending on the jurisdiction, this evidence can include police intelligence, child protection reports, Intervention Orders and related court orders concerning the applicant.
335. Tasmania's screening authority is similarly empowered to consider 'criminal intelligence information' relating to the applicant obtained from local and interstate law enforcement bodies, which is not necessarily limited to information about charged offences.

Reassessment powers

336. In contrast to Victoria, interstate screening authorities are generally afforded greater discretion to reassess a person's suitability to work with children and young people.
337. New South Wales and South Australia do not limit the circumstances in which screening authorities can reassess a person's clearance. South Australian legislation expressly provides that a reassessment can be conducted on the screening authority's 'own motion'. Once a reassessment is commenced, these screening authorities are empowered to consider the same types of information available during the assessment process.
338. Other jurisdictions allow or require screening authorities to reassess a person's clearance when notified of new information.
339. For example, Queensland's screening authority is empowered to conduct a reassessment where 'further information' is identified about a clearance-holder. This encompasses any additional information relevant to whether it is 'in the best interests of children' that the person retain their clearance, as well as any court or tribunal decisions relating to the clearance-holder.
340. Similarly, Australian Capital Territory and Tasmanian screening authorities are permitted to reassess a person's suitability to work with children in circumstances where 'new relevant information' is identified. Unlike in Victoria, this can include evidence of suspected criminal offences, regardless of whether charges have been issued.

Proposed reforms

341. The Worker Screening Act should be amended to allow WWCC Victoria to consider and act upon other forms of information likely to be relevant to an applicant's risk to children and young people.
342. Noting interstate practice, this could include:
- police and child protection intelligence, including information about suspected offences
 - details of Intervention Orders and other similar court orders
 - any other relevant information.
343. WWCC Victoria should also be provided general discretion to refuse an applicant clearance if reasonably satisfied they pose an unjustifiable risk to the safety of children, using the criteria already established for Category C applications. This discretion should be available regardless of the applicant's criminal or disciplinary history.
344. Similarly, WWCC Victoria should be empowered to reassess a person's suitability to work with children of its own initiative, and without the need for notification of a criminal charge or disciplinary outcome. This should include the power to temporarily suspend a person's clearance in limited circumstances.
345. Retaining the existing procedural safeguards, WWCC Victoria should also be generally empowered to revoke a person's clearance following reassessment, if reasonably satisfied they pose an unjustifiable risk to the safety of children.

346. In response to a draft version of this report, the Department of Justice and Community Safety observed that WWCC Victoria is already able to consider some behaviours that do not result in criminal charges, when notified of findings made under the Reportable Conduct Scheme. This can include alleged grooming of children and young people by employees.

347. However, Alexander Jones was not employed by an organisation subject to the Reportable Conduct Scheme when many of the concerns were identified about his alleged conduct. Additionally, some behaviours, such as his misuse of CRISSP, were unlikely to satisfy the high threshold for 'reportable conduct' under the Child Wellbeing and Safety Act.

Conclusions

Alexander Jones's appointment to Finding Solutions

348. Alexander Jones was already the subject of serious child protection concerns at the time of his appointment to the Department-funded Finding Solutions program.
349. New South Wales law enforcement had investigated him as a 'person of interest' in relation to two alleged sexual offences, including, most disturbingly, the alleged sexual abuse of a child. New South Wales child protection authorities had also flagged him as a suspected perpetrator of abuse and he had been made subject to multiple Apprehended Violence Orders. This included an order restricting his contact with a young person deemed at risk of sexual exploitation.
350. Yet criminal charges were not issued in relation to any of these matters, and they were therefore not disclosed in a criminal history check conducted at the time of Alexander Jones's recruitment to Melbourne City Mission.
351. Alexander Jones was also not qualified to work with vulnerable children and young people: at the time he joined Melbourne City Mission, he had no child-related employment history or relevant tertiary qualifications. This means he did not satisfy the essential requirements for employment as a Case Worker on the Finding Solutions program.
352. This fact was concealed from Melbourne City Mission during the recruitment process. Alexander Jones's application substantially misrepresented his employment history and qualifications, and routine background checks did not identify the deception.
353. Melbourne City Mission's recruitment of Alexander Jones largely adhered to standard employment screening procedures, and the organisation could not have uncovered the past criminal and child protection investigations into his conduct.
354. Yet the failure to check Alexander Jones's purported tertiary qualifications was a missed opportunity to detect his apparent deception and also appeared contrary to Melbourne City Mission's Service Agreement with the Department.

Conduct and performance issues

355. Melbourne City Mission did not receive any complaints or concerns about Alexander Jones's interactions with children and young people during his period as a Case Worker on the Finding Solutions program.
356. Yet problems with his presentation and behaviour were identified and reported internally. Former co-workers recalled he often attended work unwashed, smelled 'really bad' and dressed below the standard expected for the role. These witnesses also described incidents of inappropriate remarks and aggression towards colleagues, stating they generally felt uncomfortable working alongside him.
357. Although these issues were largely managed in accordance with established disciplinary processes, they did not result in further scrutiny of Alexander Jones's background – even when clearly at odds with the standards expected of an experienced and well-credentialed case worker.
358. One former co-worker's observation that management 'treated him like a client' appeared reinforced by the contents of a performance management plan, which went so far as to instruct Alexander Jones to regularly trim his nails and tie his shoelaces to avoid tripping.

359. When interviewed by the investigation, a former supervisor observed there was sometimes a 'fine line' between treating employees fairly and maintaining a child safe workplace. The former supervisor acknowledged that in this case misplaced empathy may have resulted in too much emphasis on the former.
360. Similarly, clear discrepancies in Alexander Jones's claimed academic achievements were not recognised and investigated, even when apparently highlighted by sceptical colleagues.
361. The lack of timely information about formal complaints pathways meant some co-workers were unsure about how to properly escalate concerns within the organisation, or mistakenly believed they had done so.
362. The investigation did not identify evidence that client safety was directly compromised during Alexander Jones's period on the Finding Solutions program. However, the nature of the Case Worker role – which involved substantial offsite client outreach – largely prevented managers and co-workers from directly observing Alexander Jones's contact with clients.
363. Professional boundaries were later crossed with at least one young person following his departure from the organisation. In this regard, the omission to interview most of Alexander Jones's former clients following identification of his sexual offending appeared ill-advised, although this was based on an apparent misunderstanding between Melbourne City Mission and the Department.

Subsequent child protection concerns

364. Alexander Jones was subject to several child protection reports about his alleged contact with young people following his departure from Melbourne City Mission.
365. For the most part, Melbourne City Mission was not notified of these concerns – despite, in one case, a clear connection with his former role at the organisation.
366. For its part, the Department otherwise appeared to respond conscientiously to the allegations. Child Protection appropriately notified and collaborated with community service organisation Concern Australia where Alexander Jones volunteered. Joint efforts to interview his former clients appeared to contrast favourably with the Department's more limited collaboration with Melbourne City Mission.
367. Information obtained through interviews with young people and their carers did not provide a basis for Child Protection to intervene. The Department nevertheless appropriately revisited these allegations after the data breach was identified.

CRISSP data breach

368. Melbourne City Mission failed to deactivate Alexander Jones's access to CRISSP when he left the Finding Solutions program, unintentionally providing him continued access to sensitive information about vulnerable children and young people.
369. Although serious in its privacy impacts, the error arose from a simple oversight during Alexander Jones's transfer to Melbourne City Mission's Frontyard service. At the time, deprovisioning measures implemented by Melbourne City Mission did not adequately address this risk.

370. The data breach was subsequently detected by both Melbourne City Mission and the Department by chance. Both authorities appeared to take appropriate action to promptly restrict Alexander Jones's further access to the system.
371. While primarily caused by an oversight by Melbourne City Mission, the fact and extent of the data breach was also facilitated by inadequate compliance measures implemented by the Department.
372. Prior to the incident, the Department failed to regularly audit CRISSP user access. Repeated warnings about the need to further scrutinise privacy compliance within funded service providers also went apparently unheeded.
373. In contrast, the Department's efforts to disrupt and investigate Alexander Jones's activities following identification of the data breach were thorough and appropriately child focused.
374. Regrettably, however, the lack of meaningful collaboration with Melbourne City Mission undermined an otherwise holistic response.
375. This was best demonstrated by the Department's decision not to share details of Alexander Jones's CRISSP access with Melbourne City Mission. Consequently, authorities failed to identify his earlier misuse of the system – and the existence of potentially many more affected children and young people – until this was detected by Ombudsman investigators.

Notifications to affected parties

376. CRISSP's Common Client Layer function – which allows access to limited information about clients actively engaged with a number of services – posed a practical challenge to the Department's efforts to identify individuals affected by the data breach. The Department nevertheless appeared to take a pragmatic approach to this issue, triangulating audit records with existing Child Protection intelligence.
377. Initial delays in notifying and interviewing affected parties also appeared reasonable, given specific requests made by Victoria Police.
378. Reassuringly, efforts were made to speak with young people who were not affected by the data breach but were identified through the interview process as having been in contact with Alexander Jones.
379. In contrast, the Department's decision to apply a 'child protection lens' to planning interviews meant some, predominantly older people were not notified that he had inappropriately accessed their information until years after the fact, following media scrutiny.
380. Once again, the Department appeared to have disregarded prior warnings from oversight bodies – in this case, about the need to develop policy and guidance clarifying how and when to notify people affected by a data breach. While the Department was not expressly obligated to notify all affected parties, doing so would have better promoted the right to privacy identified in the Charter of Rights Act.

381. Regrettably, the investigation also substantiated allegations that the Department provided inaccurate and ultimately misleading information to Victoria's Information Commissioner about its plans to notify some individuals affected by the data breach.

382. While there was clearly no intention to deceive the privacy watchdog, the error pointed to a lack of internal coordination. Reassuringly, the Department appeared to make robust efforts to locate and notify the remaining affected parties, once the oversight was identified.

Engagement with Zack's family

383. Poor communication with the family of Alexander Jones's victim-survivor undermined the Department's commitment to transparency following the data breach.

384. Over a succession of months, Zack's mother was provided inaccurate and contradictory information about Alexander Jones's access to the family's private information, significantly contributing to her safety concerns.

385. The information was initially limited. Later advice was provided that Alexander Jones was able to access all of Zack's details and case notes – as well as information about other family members. This was incorrect.

386. In a letter to the family, the Department then purported to correct the record: Alexander Jones was only able to see Zack's name and address. This advice too proved incorrect and was later contradicted in open court proceedings, much to the dismay of Zack's mother.

387. In fact, by the time the investigation commenced, the Department no longer considered Alexander Jones had accessed any of Zack's information in CRISSP. Yet this had not been communicated to Zack's family.

388. Worse, the investigation found that this conclusion – that Zack's information was never visible to Alexander Jones – was first reached and internally reported to senior staff within weeks of the data breach being discovered, and more than three months before the Department first approached Zack and his mother.

389. Regrettably, the Department also appeared insensitive to the family's distress when it failed to appropriately brief Melbourne City Mission about the sexual assault prior to facilitating a meeting between Zack's mother and the organisation.

390. While lacking critical information and context, Melbourne City Mission also acknowledged letting the family down when it abruptly ceased engaging with Zack's mother, following the meeting.

391. The investigation was ultimately satisfied that Alexander Jones did not access Zack's information in CRISSP. Yet the family's longstanding suspicion he accessed confidential information about another young person when threatening Zack appeared vindicated by audit records.

392. Zack's courage in disclosing details of the sexual assault ultimately proved critical to disrupting Alexander Jones's activities. In turn, the Department appeared initially receptive to Zack's needs – opening a Child Protection case, assisting the family to move homes and coordinating with relevant support services.

393. Yet it is easy to empathise with sentiments expressed by Zack's mother and advocate, who queried why similar supports weren't available when the family first contacted Child Protection for help, in the immediate aftermath of the sexual assault.

394. Unsurprisingly, the investigation heard Zack continues to struggle with trauma arising from the incident. Zack's mother and advocate each observed that funding limitations and a lack of constancy in services have undermined Zack's recovery. The investigation was disappointed to observe the Department was no longer actively engaged with or supporting the family.

395. While acknowledging the Department's uncertain legal responsibility for the incident, it appears further steps could still be taken to assist Zack and his mother to address the long-term consequences of Alexander Jones's offending. This would be consistent with the principles underpinning the Children, Youth and Families Act and the right to protection under the Charter of Rights Act.

Reforms following the data breach

396. More encouragingly, the investigation found Melbourne City Mission and the Department had each taken meaningful action to investigate and address privacy risks highlighted by the CRISSP data breach.

397. Reforms implemented by Melbourne City Mission were particularly impressive. Following identification of the data breach, the organisation commissioned separate, comprehensive reviews of its internal privacy and recruitment practices, ultimately acting on all recommendations.

398. Local procedures for deactivating CRISSP user access were overhauled to identify and eliminate potential single points of failure. Staff are now responsible for auditing CRISSP user access on a monthly basis, exceeding requirements imposed by the Department.

399. Further, Melbourne City Mission now employs a dedicated Privacy Officer to oversee and promote privacy compliance within the organisation. It is also investing in technology solutions to integrate the multiple information systems required under its funding arrangements. This will allow for increased monitoring of staff access to client records, among other things.

400. For its part, the Department promptly undertook a root cause analysis of the data breach, which recognised the need for significantly greater compliance monitoring of contracted service providers. In accordance with a compliance notice from the Information Commissioner, it has since engaged with these organisations to regularly audit the accuracy of CRISSP user lists.

401. Further, the Department has revised contractual documents underpinning the use of the CRISSP system to include clearer obligations about deactivating user accounts and keeping accurate user records.

402. Noting the recent discovery that Alexander Jones was misusing CRISSP while employed on Finding Solutions, the investigation considered that further measures are needed to detect irregular and unauthorised use of the system by active case workers.

Comment on the Worker Screening Act

403. The fact that Alexander Jones was able to obtain and subsequently keep a Working with Children clearance highlights clear legislative shortcomings limiting the effectiveness of Victoria's Working with Children Check scheme.
404. Under the Worker Screening Act, Victoria's screening authority is generally prevented from using police and child protection intelligence about matters that do not result in criminal charges or disciplinary findings, even where potentially indicative of serious child-safety concerns.
405. This meant Alexander Jones was able to readily obtain clearance to work with vulnerable children and young people, despite multiple, serious prior interstate law enforcement and child protection investigations into his alleged interactions with children, as well as other 'red flags'.
406. Just as significantly, the investigation found authorities were hamstrung from reassessing and revoking Alexander Jones's clearance, although notified of escalating concerns about his background and contact with vulnerable children and young people.
407. Absurdly, it was dishonesty charges, rather than the multiple reports about his alleged sexual exploitation of children, that ultimately provided the statutory basis to reassess Alexander Jones's Working with Children clearance.
408. The investigation considered the Worker Screening Act should be amended. Working with Children Check Victoria should be able to consider and act upon information indicating an applicant or clearance-holder poses an unjustifiable risk to the safety of children, regardless of whether criminal charges are issued.

409. Although concerned about the scheme itself, the investigation did not identify any errors by Working with Children Check Victoria – noting it made great efforts to address concerns about Alexander Jones's contact with children while scrupulously adhering to its legislation.

Compliance with human rights

410. Under section 38(1) of the Charter of Rights Act, it is generally unlawful for public authorities such as the Department to:
- act in a way that is incompatible with a human right (including by failing to act in a particular way)
 - fail to give proper consideration to a human right when making a decision.
411. Non-government organisations such as Melbourne City Mission are also required to comply with these obligations when exercising public functions on behalf of the State.
412. Section 13(a) of the Charter of Rights Act recognises that people in Victoria have the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.
413. Section 17 recognises that families are 'the fundamental group unit of society' and are entitled to be protected by society and the State. This section also recognises that every child has the right to be protected in a way that is in their best interests and consistent with their particular needs.
414. Despite some errors in execution, the investigation was generally satisfied Melbourne City Mission and the Department gave proper consideration to the right to privacy and the obligation to protect families and children when responding to the CRISSP data breach.

415. This was evidenced by the extent to which both authorities sought to prioritise the safety of families and young people potentially affected by Alexander Jones's conduct, as well as the action taken to significantly improve privacy compliance measures relating to the CRISSP system.

416. The investigation nevertheless considered Melbourne City Mission appeared to act incompatibly with these rights when it:

- failed to revoke Alexander Jones's access to the CRISSP system at the time of his transfer from the Finding Solutions program, allowing him continued access to sensitive client information
- omitted to implement measures that adequately addressed privacy risks associated with CRISSP.

417. Likewise, the Department's previous failure as system administrator to implement appropriate compliance measures to address the risk of unauthorised CRISSP user access appeared incompatible with the right to privacy and obligation to protect families and children.

418. In both cases, this was due to:

- the sensitivity of the information often recorded in CRISSP, including its relevance to vulnerable children and young people and the reasonable expectations concerning its use
- the largely foreseeable risks to children and young people and their families arising from unauthorised user access to the system
- the availability of simple measures to address these risks.

419. The Department's poor communication with Zack's mother about the data breach also appeared incompatible with Zack's best interests and his right to protection. This is demonstrated by:

- the lack of a reasonable justification for the misleading and contradictory information provided to the family
- the way the Department's communication unreasonably limited Zack's mother's ability to make decisions in Zack's best interests
- the Department's significant delay in setting the record straight about what information Alexander Jones accessed about Zack.

Opinion

In light of the above and pursuant to section 23(1)(a) of the Ombudsman Act:

1. Melbourne City Mission's omissions to:
 - (a) revoke Alexander Jones's access to the CRISSP system at the time of his transfer from the Finding Solutions program
 - (b) implement adequate measures to address privacy risks associated with the CRISSP deprovisioning process

appear to have been contrary to section 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic), as these actions were incompatible with the right to privacy and the protection of families and children.

2. The Department of Health and Human Services' previous omission to implement appropriate compliance measures to address the risk of unauthorised CRISSP user access appears to have been contrary to section 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic), as it was incompatible with the right to privacy and the protection of families and children.
3. The Department of Health and Human Services and Department of Families, Fairness and Housing's omission to provide accurate and timely information to Zack's mother about the CRISSP data breach by Alexander Jones appears to have been contrary to section 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic), as it was incompatible with Zack's right to protection.

Further, pursuant to section 23(1)(g) of the Ombudsman Act:

4. The Department of Health and Human Services' omission to identify and address Alexander Jones's earlier misuse of CRISSP, following identification of the data breach, was wrong.
5. The Department of Health and Human Services' omission to make timely efforts to notify remaining individuals affected by the data breach, contrary to representations made to the Office of the Victorian Information Commissioner on 21 February 2020, was wrong.

Recommendations

To the Victorian Government

Recommendation 1

Amend the *Worker Screening Act 2020* (Vic) to allow the Secretary to the Department of Justice and Community Safety to:

- a. obtain and consider any information that may be relevant to an applicant's suitability to work with children
- b. refuse an application for a Working with Children Check if reasonably satisfied the applicant poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists)
- c. reassess a person's suitability to hold a Working with Children clearance on the Secretary's own initiative, and without need for notification of a criminal charge or disciplinary outcome
- d. pending determination of a reassessment, suspend a person's Working with Children clearance where the Secretary reasonably suspects the person poses an unjustifiable risk to the safety of children
- e. revoke a person's Working with Children clearance following reassessment, where reasonably satisfied the person poses an unjustifiable risk to the safety of children (including where no criminal or disciplinary history exists).

To Melbourne City Mission

Recommendation 2

Review staff grievance procedures in light of the contents of this report and consider further opportunities to integrate and give effect to the Child Safe Standards.

Melbourne City Mission response:

Accepted.

To the Department of Families, Fairness and Housing

Recommendation 3

Develop and implement a Data Breach Response Plan in accordance with the Office of the Information Commissioner's 2019 publication, *Managing the Privacy Impacts of a Data Breach*.

Department of Families, Fairness and Housing response:

Accepted.

Recommendation 4

Investigate opportunities to further improve CRISSP (Client Relationship Information System for Service Providers) information security, including through implementation of User and Entity Behavioural Analytics tools.

Department of Families, Fairness and Housing response:

Accepted.

Appendix 1: The investigation

How we investigated

420. The investigation involved:

- reviewing primary documents held by the Department and Melbourne City Mission, including records relating to:
 - Alexander Jones's recruitment to and supervision as a Case Worker on the Finding Solutions program
 - Alexander Jones's unauthorised access to CRISSP
 - the identification of the data breach and how it was addressed
 - other child protection reports about Alexander Jones
- obtaining information and records from other Victorian Government authorities, interstate bodies and organisations concerning Alexander Jones's background, child-related employment history and qualifications
- reviewing relevant legislation, including the:
 - *Charter of Human Rights and Responsibilities Act 2006* (Vic)
 - *Children, Youth and Families Act 2005* (Vic)
 - *Child Wellbeing and Safety Act 2005* (Vic)
 - *Working with Children Act 2005* (Vic)
 - *Worker Screening Act 2020* (Vic)
 - *Privacy and Data Protection Act 2014* (Vic)
- reviewing interstate child-safety screening legislation, including the:
 - *Child Protection (Working with Children) Act 2012* (NSW)
 - *Working with Vulnerable People (Background Checking) Act 2011* (ACT)
 - *Child Safety (Prohibited Persons) Act 2016* (SA)
 - *Working with Children (Risk Management and Screening) Act 2000* (Qld)
 - *Registration to Work with Vulnerable People Act 2013* (Tas)
- considering materials relating to the CRISSP system, including:
 - the *Agreement for the Access to and Use of Information on the CRIS and CRISSP systems* between the former Department of Human Services and Melbourne City Mission dated 9 April 2008
 - the Department's *CRISSP Privacy Guidelines* dated March 2006
 - the Department's *CRISSP Business Practice Guidelines for Finding Solutions* dated January 2009
- considering other relevant contractual and policy materials, such as:
 - the Service Agreements between the State of Victoria and Melbourne City Mission for the period between February 2016 and October 2018
 - the Department's *Service Agreement Information Kit*, revisions dated 9 February 2016 and October 2017
 - the Department's *Finding Solutions Program Guidelines*, dated February 2012
- taking sworn evidence from officers of the Department, Melbourne City Mission and other witnesses
- attending a demonstration of the CRISSP system presented by the Department
- preparing this report.

421. The Ombudsman also engaged two law student interns from Melbourne University to research domestic and international child-safety screening schemes.

Summoned materials

422. The Ombudsman obtained documents from the following bodies by witness summons issued under section 18 of the Ombudsman Act:

- the Department
- Melbourne City Mission
- the Department of Justice and Community Safety
- Concern Australia
- Melbourne University
- Chisholm Institute of TAFE
- Westpac Banking Corporation.

423. These bodies fully complied with each summons.

Sworn evidence

424. Ombudsman officers took sworn evidence from the following witnesses by voluntary appearance:

- Zack's mother
- Zack's advocate
- two former co-workers of Alexander Jones from Melbourne City Mission
- Melbourne City Mission's former Team Leader Early Intervention Services
- Melbourne City Mission's General Manager Homelessness and Family Services
- Melbourne City Mission's General Manager Corporate Services
- Alexander Jones's former supervisor at Concern Australia
- the employee of the Department of Justice and Community Safety who identified the data breach by Alexander Jones
- the Director of Working with Children Check Victoria.

425. The investigation also interviewed the following witnesses by compulsory appearance:

- the Department's Manager Client System Support, the officer in charge of the team overseeing the CRISSP system
- the Department's Practice Leader Sexual Exploitation, West Division.

426. These witnesses were issued a summons to allow them to disclose information that would ordinarily be subject to the strict confidentiality obligations identified in the Children, Youth and Families Act.

427. Witness interviews were conducted online due to public health requirements associated with the COVID-19 pandemic. All witnesses fully cooperated with the investigation.

Figure 17: The investigation at a glance

| | |
|---|-----------|
| Summonses issued: | 10 |
| Information and records obtained from: | 29 bodies |
| Records reviewed: | 8,417 |
| Pages | 27,269 |
| Email accounts | 3 |
| Interviews conducted: | 12 |
| Voluntary | 10 |
| Compulsory | 2 |

Appendix 2: Responses to the investigation

Alexander Jones's response

In accordance with section 25A(2) of the Ombudsman Act, Alexander Jones was provided an opportunity to respond to the investigation's preliminary conclusions. His response is summarised below.

Alexander Jones submitted:

- concerns about his workplace conduct at Melbourne City Mission were directed by one co-worker, and were not shared by most colleagues
- he resigned from Melbourne City Mission for health reasons - this was not connected to his disclosure of past drug use to a client
- he did not access Zack's information in CRISSP and never made contact with a family or young person using information from this system.

Alexander Jones denied being investigated for alleged sexual offences in New South Wales. He said he was not interviewed in relation to these allegations and was never served with an Apprehended Violence Order in the jurisdiction.

Alexander Jones denied engaging in inappropriate contact with children in Victoria.

Despite his guilty plea and subsequent conviction, Alexander Jones continued to deny sexually assaulting Zack.

Melbourne City Mission's response

26 July 2022

Deborah Glass
Victorian Ombudsman

By email: [REDACTED]

Dear Ms Glass

Response to draft report of Victorian Ombudsman – Investigation into former youth worker Alexander Jones's access to Victorian Government information about children and young people

I refer to your letter of 9 May 2022 and the enclosed draft Report. I note your invitation for Melbourne City Mission (MCM) to respond to the Report and I am grateful for the opportunity.

MCM wishes to acknowledge the rigor of the Victorian Ombudsman's investigation, the importance of the Report and the conclusions that have been reached.

As outlined in the Report, MCM initiated an independent review and has implemented extensive reforms to improve processes for controlling access to confidential and personal information.

The Ombudsman's investigation brought to light information regarding Alexander Jones's background that was not made available to MCM during his recruitment in 2016. We regret that MCM's checks of Alexander Jones's qualification and employment history at that time did not identify his deception.

We have since strengthened all pre-recruitment checks under our control. We note with concern the Ombudsman's findings in relation to the limitations of the Working With Children Check in Victoria.

The Report recommends we review our staff grievance procedures and consider opportunities to integrate and give effect to the Child Safe Standards. We acknowledge and accept this recommendation and will continue to improve our procedures and give effect to the Child Safe Standards.

The Report also highlights opportunities for better information sharing between agencies and the need to prioritise consistent and reliable communication with young people and their families dealing with trauma.

We are sorry for our part in the system failures identified in the Report and their impact, including our poor communication with Zack and his family when they needed certainty and support.

We will continue to strengthen our policies and processes to enhance the protection of young people in MCM's care.

Yours faithfully



Vicki Sutton
CEO, Melbourne City Mission



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The Department of Families, Fairness and Housing's response

The Department takes its privacy responsibilities seriously and is sorry for the distress this has caused.

The Department notified the Office of the Victorian Information Commissioner of the data breach relating to unauthorised CRISSP access and acknowledged in this instance more should have been done to ensure client information was protected.

The Department accepted the recommendations made by the Victorian Information Commissioner relating to the Department and has implemented them.

The Department acknowledges and accepts the Victorian Ombudsman's recommendations and has already taken action to improve data security.

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2022

Investigation of a matter referred from the Legislative Council on 9 February 2022 Part 1
July 2022

Joint investigation with IBAC

Operation Watts, a joint investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament

July 2022

Investigation into complaint handling in the Victorian social housing sector

July 2022

Report on investigations into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison

June 2022

Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal

May 2022

2021

Investigation into decision-making under the Victorian Border Crossing Permit Directions
December 2021

Investigation into allegations of collusion with property developers at Kingston City Council
October 2021

The Ombudsman for Human Rights: A Casebook
August 2021

Councils and complaints - A good practice guide 2nd edition
July 2021

Investigation into good practice when conducting prison disciplinary hearing
July 2021

Investigation into Melton City Council's engagement of IT company, MK Datanet Pty Ltd
June 2021

Investigation into how local councils respond to ratepayers in financial hardship
May 2021

Investigation into the Department of Jobs, Precincts and Regions' administration of the Business Support Fund
April 2021

Outsourcing of parking fine internal reviews - a follow-up report
March 2021

Investigation of protected disclosure complaints regarding the former Principal of a Victorian public school
February 2021

2020

Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020

December 2020

Investigation into complaints about assaults of five children living in Child Protection residential care units.

October 2020

Investigation into corporate credit card misuse at Warrnambool City Council

October 2020

Investigation into review of parking fines by the City of Melbourne.

September 2020

Investigation into the planning and delivery of the Western Highway duplication project

July 2020

Ombudsman's recommendations - third report

June 2020

Investigations into allegations of nepotism in government schools

May 2020

Investigation of alleged improper conduct by Executive Officers at Ballarat City Council

May 2020

Investigation into three councils' outsourcing of parking fine internal reviews

February 2020

2019

Investigation of matters referred from the Legislative Assembly on 8 August 2018

December 2019

WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims

December 2019

Investigation into improper conduct by a Council employee at the Mildura Cemetery Trust

November 2019

Revisiting councils and complaints

October 2019

OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people

September 2019

Investigation into Wellington Shire Council's handling of Ninety Mile Beach subdivisions

August 2019

Investigation into State Trustees

June 2019

Investigation of a complaint about Ambulance Victoria

May 2019

Fines Victoria complaints

April 2019

VicRoads complaints

February 2019

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2018

Investigation into the imprisonment of a woman found unfit to stand trial

October 2018

Investigation into allegations of improper conduct by officers at Goulburn Murray Water

October 2018

Investigation of three protected disclosure complaints regarding Bendigo South East College

September 2018

Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria

September 2018

Complaints to the Ombudsman: resolving them early

July 2018

Ombudsman's recommendations – second report

July 2018

Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies

June 2018

Investigation into the administration of the Fairness Fund for taxi and hire car licence holders

June 2018

Investigation into Maribyrnong City Council's internal review practices for disability parking infringements

April 2018

Investigation into Wodonga City Council's overcharging of a waste management levy

April 2018

Investigation of a matter referred from the Legislative Council on 25 November 2015

March 2018

2017

Investigation into the financial support provided to kinship carers

December 2017

Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre

November 2017

Investigation into the management of maintenance claims against public housing tenants

October 2017

Investigation into the management and protection of disability group home residents by the Department of Health and Human Services and Autism Plus

September 2017

Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system

September 2017

Investigation into Victorian government school expulsions

August 2017

Report into allegations of conflict of interest of an officer at the Metropolitan Fire and Emergency Services Board

June 2017

Apologies

April 2017

Investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board

March 2017

Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville

February 2017

Investigation into the Registry of Births, Deaths and Marriages' handling of a complaint

January 2017

2016

Investigation into the transparency of local government decision making

December 2016

Ombudsman enquiries: Resolving complaints informally

October 2016

Investigation into the management of complex workers compensation claims and WorkSafe oversight

September 2016

Report on recommendations

June 2016

Investigation into Casey City Council's Special Charge Scheme for Market Lane

June 2016

Investigation into the misuse of council resources

June 2016

Investigation into public transport fare evasion enforcement

May 2016

2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting

December 2015

Investigation of a protected disclosure complaint regarding allegations of improper conduct by councillors associated with political donations

November 2015

Investigation into the rehabilitation and reintegration of prisoners in Victoria

September 2015

Conflict of interest by an Executive Officer in the Department of Education and Training

September 2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight

June 2015

Investigation into allegations of improper conduct by officers of VicRoads

June 2015

Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service

April 2015

Councils and complaints – A report on current practice and issues

February 2015

Investigation into an incident of alleged excessive force used by authorised officers

February 2015

2014

Investigation following concerns raised by Community Visitors about a mental health facility

October 2014

Investigation into allegations of improper conduct in the Office of Living Victoria

August 2014

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