

# PRIVACY AND CONFIDENTIALITY POLICY

Privacy is acknowledged as a fundamental human right. Our Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Early Childhood Code of Ethics, Education and Care Services National Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

## PURPOSE

To ensure that the confidentiality of information and files relating to the children, families, staff, and visitors using the Service is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records. We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information. Our Service takes data integrity very seriously, we strive to assure all records and data is protected from unauthorised access and that it is available to authorised persons when needed. This policy provides procedures to ensure data is stored, used and accessed in accordance with relevant policies and procedures, example enrolment policy.

## SCOPE

This policy applies to children, families, educators, staff, management, approved provider, nominated supervisor and visitors of the Service.

## IMPLEMENTATION

Under National Law, Section 263, Early Childhood Services are required to comply with Australian privacy law which includes the *Privacy Act 1988* (the Act) aimed at protecting the privacy of individuals. Schedule 1 of the *Privacy Act* (1988) includes 13 Australian Privacy Principles (APPs) which all services are required to apply. The APPs set out the standards, rights and legal obligations in relation to collecting, handling, holding and accessing personal information.

Further information about the APPs is included in Appendix 1 of this policy.

### **The Approved Provider/Management/Nominated Supervisor will:**

- ensure the Service acts in accordance with the requirements of the Australian Privacy Principles and *Privacy Act 1988* by developing, reviewing, and implementing procedures and practices that identify:
  - the name and contact details of the Service
  - what information the Service collects and the source of information
  - why the information is collected
  - who will have access to information
  - collection, storage, use, disclosure, and disposal of personal information collected by the Service
  - any law that requires the particular information to be collected
  - adequate and appropriate storage for personal information collected by the Service
  - protection of personal information from unauthorised access.
- provide staff and educators with relevant information regarding changes to Australian privacy law and Service policy
- ensure educators, staff, students and volunteers have knowledge of and adhere to this policy
- ensure families are aware of the privacy and confidentiality policy
- maintain currency with the Australian Privacy Principles (this may include delegating a staff member to oversee all privacy-related activities to ensure compliance).
- ensure personal information is protected in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012*
- ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations

- regularly back-up personal and sensitive data from computers to protect personal information collected
- ensure all computers are password protected and install security software- antivirus protection
- ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations [regulation 183 (2)]
- ensure the appropriate and permitted use of images of children, including obtaining written consent from parents and/or guardian of children who will be photographed or videoed by the service
- ensure all employees, students, volunteers, and families are provided with a copy of this policy
- deal with privacy complaints promptly and in a consistent manner
- ensure families only have access to the files and records of their own children
- ensure information given to educators will be treated with respect and in a professional and confidential manner
- ensure individual child and staff files are stored in a locked and secure cabinet
- ensure information relating to staff employment will remain confidential and available only to the people directly involved with making personnel decisions
- ensure that information shared with the Service by the family will be treated as confidential unless told otherwise
- ensure families only have access to the files and records of their own children
- ensure that information given to Educators will be treated with respect and in a confidential and professional manner
- ensure only necessary information regarding the children's day-to-day health and wellbeing is given to non-primary contact educators. For example, food allergy information.
- not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand
- ensure that information shared with us by the family will be treated as confidential unless told otherwise
- ensure information regarding the health and wellbeing of a child or staff member is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law.

#### **Educators and staff will:**

- read and adhere to the *Privacy and Confidentiality Policy* at all times
- ensure documented information and photographs of children are kept secure but may be accessed at any time by the child's parents or guardian
- ensure families only have access to the files and records of their own children
- treat private and confidential information with respect in a professional manner
- not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- ensure that information shared with the service by the family will be treated as confidential unless told otherwise
- maintain individual and Service information and store documentation according to this policy at all times
- not share information about the individual or service, management information, or other staff as per legislative authority.

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

(Source: OAIC-Australian Privacy Laws, Privacy Act 1988)

Personal information will be collected and held securely and confidentially about you and your child to assist our Service provide quality education and care to your child whilst promoting and maintaining a child safe environment for all stakeholders.

Personal information our Service may request regarding enrolled children:

- ☐ Child's name
- ☐ Gender
- ☐ Date of birth
- ☐ Address
- ☐ Birth Certificate

- ☐ Religion
- ☐ Language spoken at home
- ☐ Emergency contact details and persons authorised to collect individual children
- ☐ Children's health requirements
- ☐ Immunisation records- (Immunisation History Statement)
- ☐ Developmental records and summaries
- ☐ External agency information
- ☐ Custodial arrangements or parenting orders
- ☐ Incident reports
- ☐ Medication reports
- ☐ Child Care Subsidy information
- ☐ Medical records
- ☐ Permission forms – including permission to take and publish photographs, video, work samples
- ☐ Doctor's contact information
- ☐ Centrelink Customer Reference number (CRN)
- ☐ Dietary requirements

Personal information our Service may request regarding parents and caregivers

- ☐ Parent/s full name
- ☐ Address
- ☐ Phone number (mobile & work)
- ☐ Email address
- ☐ Bank account or credit card detail for payments
- ☐ Centrelink Customer Reference number (CRN)
- ☐ Custody arrangements or parental agreement

Personal information our Service may request regarding staff and volunteers

- ☐ Personal details
- ☐ Tax information
- ☐ Banking details
- ☐ Working contract
- ☐ Emergency contact details
- ☐ Medical details
- ☐ Immunisation details
- ☐ Working With Children Check verification
- ☐ Educational Qualifications
- ☐ Medical history
- ☐ Resume
- ☐ Superannuation details
- ☐ Child Protection qualifications
- ☐ First Aid, Asthma and Anaphylaxis certificates
- ☐ Professional Development certificates
- ☐ PRODA related documents such as RA number and related background checks

### **Method of Collection**

Information is generally collected using standard forms at the time of enrolment or employment

Additional information may be provided to the Service through email, surveys, telephone calls or other written communication.

Information may be collected online through the use of software such as CCS software or program software

### **How we protect your personal information**

To protect your personal and sensitive information, we maintain physical, technical and administrative safeguards.

All hard copies of information are stored in children's individual files or staff individual files in a locked cupboard.

All computers used to store personal information are password protected. Each staff member will be provided with a

unique username and password for access to CCS software and program software. Staff will be advised not to share usernames and passwords.

Access to personal and sensitive information is restricted to key personnel only.

Security software is installed on all computers and updated automatically when patches are released

Data is regularly backed up on external drive and/or through a cloud storage solution

Any notifiable breach to data is reported

All staff are aware of the importance of confidentiality and maintaining the privacy and security of all information.

Procedures are in place to ensure information is communicated to intended recipients only, example invoices and payment enquiries

### Access to personal and sensitive information

Personal and sensitive information about staff, families and children will be stored securely at all times. Families who have access to enrolment or program information online will be provided with a unique username and password. Families will be advised not to share username and passwords.

The Approved Provider will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

- the extent necessary for the education and care or medical treatment of the child to whom the information relates
- a parent of the child to whom the information relates, except in the case of information kept in a staff record
- the Regulatory Authority or an authorised officer
- with the written consent of the person who provided the information.

### Disclosing personal and sensitive information

Our Service will only disclose personal or sensitive information to:

- a third-party provider with parent permission (for example CCS software provider)
- Child Protection Agency
- as part of the purchase of our business asset with parental permission
- authorised officers (for example public health officer)
- the regulatory authority or an authorised officer
- as expressly authorised, permitted or required to be given by or required to be given by or under any Act or Law
- with the written consent of the person who provided the information.

### Complaints and Grievances

If a parent, employee or volunteer has a complaint or concern about our Service, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact the Approved Provider so reasonable steps to investigate the complaint can be made and a response provided.

If there are further concerns about how the matter has been handled, please contact the Office of Australian Information Commissioner on 1300 363 992 or:

[https://forms.business.gov.au/smartforms/landing.htm?formCode=APC\\_PC](https://forms.business.gov.au/smartforms/landing.htm?formCode=APC_PC)

<b>Policy Name</b>	Privacy and Confidentiality Policy
<b>Related NQS</b>	QA 7
<b>Related Regulation &amp; Law</b>	(r)168, (r)181-184
<b>Related Policies</b>	<ul style="list-style-type: none"><li>• Dealing with Complaints Policy</li><li>• Enrolment Policy</li><li>• Governance Policy</li><li>• Interaction with Children, Family and Staff Policy</li><li>• Payment of Fees Policy</li><li>• Record Keeping and Retention Policy</li></ul>
<b>Related Documents</b>	<ul style="list-style-type: none"><li>• Record Keeping Procedure</li></ul>
<b>Sources</b>	<ul style="list-style-type: none"><li>• Australian Childcare Alliance. (2019). Changes to Australia's privacy law: What ECEC services need to know: <a href="https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know">https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know</a></li><li>• Australian Children's Education &amp; Care Quality Authority. (2014)</li></ul>

	<ul style="list-style-type: none"> <li>• Australian Government Department of Education, Skills and Employment. Child Care Provider Handbook (2018)</li> <li>• <a href="https://www.dese.gov.au/resources-child-care-providers/resources/child-care-provider-handbook">https://www.dese.gov.au/resources-child-care-providers/resources/child-care-provider-handbook</a></li> <li>• Early Childhood Australia Code of Ethics. (2016).</li> <li>• Education and Care Services National Law Act 2010. (Amended 2018).</li> <li>• Education and Care Services National Regulations. (2011).</li> <li>• Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).</li> <li>• Guide to the National Quality Framework. (2017). (Amended 2020).</li> <li>• Privacy Act 1988.</li> <li>• Revised National Quality Standard. (2018).</li> <li>• UN General Assembly (1989) United Nations Convention of the Rights of a child</li> </ul>
<b>Amendments (June 2022)</b>	<ul style="list-style-type: none"> <li>• Review policy as part of annual cycle</li> <li>• no major changes to policy</li> <li>• sources checked for currency</li> </ul>
<b>Amendments (Mar 2023)</b>	<ul style="list-style-type: none"> <li>• merged two sections</li> <li>• minor edits</li> </ul>