

# Privacy and Confidentiality

This policy is to address the issues of privacy and confidentiality of children, educators, volunteer workers and parents using the centre. It aims to protect the privacy and confidentiality by ensuring that all records and information about individual children, families, educators and management are kept in a secure place and are only accessed by or disclosed to those individuals who need the information to fulfill their responsibilities at the centre or have a legal right to know.

All records and documents must be maintained and kept accordance with Regulations 181 and 183 of the Education and Care Services National Regulations 2011.

- It is paramount that all information concerning each child is kept confidential.
- Basic details are collected on enrolment directly from families such as names, addresses, phone contacts but it is also necessary for staff to collect details regarding the child's name, date of birth, medical details, health, routines, likes and dislikes.
- The Centre is required to hold information regarding each child's Child Care Benefit entitlements. This information is used for processing fees and allocating payments such as CCB and CCR. Some of the information collected is to satisfy the centres legal obligations under the relevant childcare legislation. This information will be made available to DEEWR.
- Information as stated above will only be used by our Educators in order to deliver each child's care to the highest standards
- Information will not be disclosed to those not associated with the care of a child without the family's consent
- Families may seek access to the information held about their child and the centre will provide access without undue delay. This access might be the inspection of their child's records or by providing copies of information. There will be no charge made for requesting this information
- The Centre will ensure at all times that the details kept about each family are accurate, complete and up to date
- The Centre will protect this information from misuse or loss and from unauthorised access or disclosure
- Staff members are committed to respect these principles at all times and maintain confidentiality
- If a student has a valid training requirement that involves the gathering of certain information pertaining to your child or family, the student must have written consent from the family and the Nominated Supervisor of the Centre.
- The Centre will ensure that any required disclosures of personal information are made on a 'need to know' basis and where applicable, on a confidential basis and in accordance with the provisions of the Education and Care Services National Regulations and may include Area Health or Child Protection 'Keep Them Safe'.
- Personal information is never traded, sold or leased by the Centre to any external companies.
- All documentation concerning enrolment and personal details is to be kept in the locked filing cabinet in the office. This information is never to be shared with anyone except the Nominated Supervisor and the child's primary Educator, if relevant.
- Documentation of a child's learning will be shared with the family of the child but never discussed with others unless the Centre has the prior approval of the family. This may include sharing it with other professionals who are working with the child and require the Centre's perspective. (For example a Speech Therapist) The information of any child is never to be discussed with, or compared with, any other child or parent

## Collection of personal information

We collect personal information if it is necessary for us to carry out Centre operations or to comply with our legal obligations. This includes information required to comply with the National Education and Care Law and Regulations and to promote learning under the Early Years Learning Framework. Information may also be collected to comply with other Laws including State or Territory Health Laws.

During the enrolment process the Approved Provider will:



- Explain what personal information we need to collect, why we need to collect it, whether the information is required or authorised by Law and how it may be shared.
- Personal information includes name, address, date of birth, gender, family contact details, emergency contact details, authorised nominee details, parents' occupations, cultural background, home language, religious beliefs, payment details, child care benefit information, immunisation records, medical information, medical management plans, photos of children and family members and information about children's strengths, interests, preferences and needs, including special needs. Personal information also includes "government related identifiers" like Medicare numbers and CCB references.
- Advise families about our Privacy and Confidentiality Policy and how to access it.
- Attach a copy of our Privacy Notice to our Enrolment Form and other forms we use to collect personal information.
- Verbally advise children's emergency contacts and authorised nominees that we have some of their personal information on file and explain the advice in the Privacy Notice.
- Explain the advice in the Privacy Notice to individuals who provide personal information verbally (eg by phone).

We usually collect personal information directly from a parent or guardian either in writing or verbally, for example during enrolment, when completing waiting list applications, or as we establish a partnership with families in caring for and educating a child. We may also collect information through our website, Family Law court orders or agreements, special needs agencies and training courses.

We may occasionally request information from other organisations which you would reasonably agree is necessary for us to educate and care for a child. For example, we may request a copy of a child's immunisation records where they are transferring to us from another Centre, or where we request information about a child from a special needs educator or organisation. We will not request information without obtaining the consent of the individual (or parent) concerned.

In most cases, if we are unable to collect relevant personal information, we will be unable to enrol a child at the Centre.

The Approved Provider will advise individuals about any unsolicited personal information we receive from other organisations and keep because it is directly related to our functions and activities (unless we are advised not to by a Government authority). The Approved Provider will destroy any unsolicited personal information that is not directly related to our Centre operations unless it adversely impacts the health, safety and wellbeing of a child or children at the centre. If this happens the Approved Provider will contact the appropriate Government authorities and take action as directed while protecting the confidentiality of the individuals concerned.

### **Use or disclosure of personal information**

We will not use personal information for any purpose that is not reasonably needed for the proper or effective operation of the centre. Personal information may be accessed by and exchanged with staff educating and caring for a child or by administrative staff.

We do not disclose your personal information to others unless you would have reasonably expected us to do this or we have your consent. For example, personal information may be disclosed to:

- Emergency service personnel so they can provide medical treatment in an emergency
- Special needs educators or inclusion support agencies
- Volunteers, trainees and work experience students (with consent)
- Trainers or presenters if children participate in special learning activities
- Another Service to which a child is transferring where you have consented to the transfer.
- The new operator of the Service if we sell our business and you have consented to the transfer of enrolment and other documents listed in Regulation 177 of the National Education and Care Regulations.



We may disclose personal information where we are permitted or obliged to do so by an Australian law. For example, personal information may be disclosed to:

- Authorised officers when our centre is assessed and rated under the National Education and Care Law and Regulations
- Government employees (eg for CCB, Immunisation, Medicare purposes)
- Software companies that provide child care management systems
- Management companies we may engage to administer the Centre
- Software companies that provide tailored computer based educational tools for children
- Lawyers in relation to a legal claim.
- Officers carrying out an external dispute resolution process
- A debt collection company we use to recover outstanding fees
- Authorities if we are taking action in relation to unlawful activity, serious misconduct, or to reduce or prevent a serious threat to life, health or safety.
- We do not disclose personal information to any person or organisation overseas or for any direct marketing purposes.

### **Quality of personal information**

The Approved Provider will take reasonable steps to ensure the personal information we collect, use and disclose is accurate, current and complete. Educators and staff will:

- View original sources of information if practical when information is collected.
- Collect and record personal information in a consistent format, for example using templates for enrolment, incident, injury, trauma and illness and administration of medication.
- Record the date personal information was collected or updated.
- Update information in our physical or electronic records as soon as it's provided.

In addition the Approved Provider will:

- Regularly remind families via newsletters, emails or through displays on the Centre notice board to update their personal information including emergency contact details and their child's health information.
- Ask parents to update their enrolment details annually, or whenever their circumstances change.
- Verify the information is accurate, current and complete before disclosing it to any external organisation or person.
- Ensure documentation about children and families is based on facts and free from prejudice.

### **Security of personal information**

- The Approved Provider will take reasonable steps to protect personal information from misuse, interference and loss, unauthorised access, modification or disclosure. These steps include:
- Taking responsibility for the security of personal information and regularly checking the practices implemented to protect it. This will include management of access privileges to ensure only people who genuinely need to see personal information can access it.
- Ensuring information technology systems have appropriate security measures including password protection, anti-virus and 'malware' software, and data backup systems.
- Ensuring all educators and staff are aware of their obligations in relation to the collection, use and disclosure of personal information, through activities like mentoring, staff meetings or on-line training courses.
- Requiring all educators, staff, volunteers and work experience students to sign a 'Confidentiality Statement' acknowledging that personal information:
  - Can only be accessed if it is necessary for them to complete their job
  - Cannot be disclosed to other organisations (including colleges, RTOs) or discussed with individuals outside the centre including personal family members unless they have written consent from the person (or parent) concerned.
  - Must be stored in compliance with centre practices which safeguard its security.
- Ensuring records which we don't need to keep, including unsuccessful job applications and records which fall outside the record keeping timeframes under the National Education and Care Law and



Regulations (refer to our Record Keeping and Retention Policy) are destroyed in a secure way as soon as possible by, for example, shredding, incinerating or permanently deleting electronic records including archived or back-up copies.

- 'de-identifying' personal information which may come into the public domain. For example, removing identifying names or details from newsletters etc.
- Ensuring staff comply with our Social Media Policy (for example by obtaining authorisation from a child's parents before posting any photos of their child on the Centre social media page, and not posting personal information on any social media page which could identify children or families.)
- Ensuring confidential conversations with parents or with staff are conducted in a quiet area away from other children, parents and staff.

### **Access to personal information**

Individuals may request access to their (or their child's) personal information and may request the correction of any errors. These requests may be made to the Approved Provider by telephone on 9380 1740 or email [admin@brunswickcreche.org.au](mailto:admin@brunswickcreche.org.au) or by mail 82 Glenlyon Rd, Brunswick VIC 3056

Personal information will be provided as soon as possible, and no later than 30 days from a request. We will provide the information in the form requested, for example by email, phone, in person, hard copy or electronic record unless it is unreasonable or impractical to do this for example due to the volume or nature of the information.

The Approved Provider will always verify a person's identity before providing access to the information, and ensure someone remains with the individual to ensure information is not changed or removed without our knowledge.

There is no charge for making a request to access the information. However, we may charge a reasonable cost for staff, postage and material expenses if the information is not readily available and retrieving the information takes a lot of time. We will advise you of the cost and get your agreement before we proceed.

There may be rare occasions when we are unable to provide access because we believe:

- Giving access would be unlawful, the information relates to unlawful activity or serious misconduct, or it may prejudice the activities of a law enforcement body.
- There is a serious threat to life, health or safety.
- Giving access would unreasonably affect the privacy of others.
- The request is frivolous or vexatious, for example to harass staff.
- The information relates to legal proceedings (eg unfair dismissal claim) between the Centre and the individual.
- Giving access would reveal sensitive information about a commercial decision.

We may, however, provide the information in an alternative way for example by:

- Deleting any personal information which cannot be provided
- Providing a summary of the information
- Giving access to the information in an alternative format
- Allowing the individual to inspect a hard copy of the information and letting them take notes.

We will advise you promptly if we are unable to provide access to the information, or access in the format requested. The advice will include the reasons for the refusal to provide the information (unless it is unreasonable to do this) and information about how to access our grievance procedure.

### **Correction of personal information**

Individuals have a right to request the correction of any errors in their personal information. These requests may be made to the Approved Provider by telephone on 9380 1740 or email [admin@brunswickcreche.org.au](mailto:admin@brunswickcreche.org.au) or by mail 82 Glenlyon Rd, Brunswick VIC 3056



The Approved Provider will take reasonable steps to correct personal information that is inaccurate, out of date, incomplete, irrelevant or misleading as soon as it is available. The Approved Provider will:

- Take reasonable steps to ensure information supplied by an individual is correct.
- Verify the identity of an individual requesting the correction of personal information.
- Notify other organisations about the correction if this is relevant, reasonable or practical.
- Advise the individual about the correction to their information if they are not aware.
- If immediately unable to correct an individual's personal information, explain what additional information or explanation is required and/or why we cannot immediately act on the information provided.
- If unable to correct the information, include reasons for this (for example we believe it's current) and inform the individual about our grievance procedure and their right to include a statement with the information saying they believe it to be inaccurate, out-of-date, incomplete, irrelevant or misleading.
- Correct the information, or include a statement if requested, as soon as possible

We will not charge you for making a request to correct their personal information or for including a statement with your personal information.

### Complaints

If you believe we have breached Privacy Laws or our Privacy Policy may lodge a complaint with the Approved Provider by telephone on 9380 1740 or email [admin@brunswickcreche.org.au](mailto:admin@brunswickcreche.org.au) or by mail 82 Glenlyon Rd, Brunswick VIC 3056. The Approved Provider or Nominated Supervisor will follow the Centre's grievance procedure to investigate the complaint. Individuals who are unhappy with the outcome of the investigation may raise their complaint with the Office Australian Information Commissioner [www.oaic.gov.au](http://www.oaic.gov.au) GPO Box 5218 Sydney NSW 2001 or GPO Box 2999 Canberra ACT 2601, phone 1300 363 992 or email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Source:** National Quality Standard, Education and Care Services National Regulation, Privacy Act 1988, Information Privacy Principles as stipulated in the Privacy Act 1988, United Nations Convention of the Rights of a Child, Freedom of Information Act 1989

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#### National Quality Standard – NQS

##### Quality Area 4: Staffing Arrangements

**4.2.1** Professional standards guide practice, interactions and relationships.

**4.2.3** Interactions convey mutual respect, equity and recognition of each other's strengths and skills

##### Quality Area 5: Relationships with Children

**5.2.3** The dignity and the rights of every child are maintained at all times

##### Quality Area 6: Collaborative Partnerships with Families and Communities

**6.1** Respectful supportive relationships are developed and maintained

##### Quality Area 7: Leadership and Service Management

**7.1.1** Appropriate governance arrangements are in place to manage the service

#### Education and Care Service National Regulations

**181** Confidentiality of records kept by approved provider

**181-184** Confidentiality and storage of records

#### Early Years Learning Framework

##### Learning Outcome 4 -

**4.1** Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing



