

A-12	CONFIDENTIALITY AND PRIVACY	
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POLICY STATEMENT

TWOOSH aims to provide quality care that operates in accordance with government privacy guidelines and relevant legal obligations. We will make every effort to protect the privacy and confidentiality of all individuals associated with TWOOSH. We do this by ensuring that all information about individual children, families, educators, and management are kept in a safe and secure place. This information will not be divulged or communicated, directly or indirectly, to another person other than:

- ◆ to the extent necessary for the education and care of the child
- ◆ to the extent necessary for medical treatment of the child
- ◆ the guardian of the child to whom the information relates
- ◆ the Regulatory Authority or an authorised officer as expressly authorised, permitted or required under the Education and Care Services National Law and Regulations
- ◆ with the written consent of the person who provided the information.

REFERENCES AND CONSIDERATIONS

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| <ul style="list-style-type: none"> ▪ Federal Privacy Act 1988 ▪ Privacy and Personal Information Protection Act NSW 1988 (updated July 2018) ▪ Australian Privacy Principles 2014 ▪ National Quality Standards 4.2, 5.1, 7.3 ▪ Quality Areas (National Quality Framework 2011) 2.1, 8.1 | <ul style="list-style-type: none"> ▪ Network OSCH Code of Conduct ▪ Network Record keeping factsheet ▪ Education and Care Services National Regulations 2011 ▪ Interagency Guidelines for Child Protection Intervention 2006 |
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PROCEDURE

Collection of personal information

- ◆ Before collecting personal information, TWOOSH will inform individuals of the following:
 - the purpose for collecting the information;
 - what types of information will be disclosed to the public or other organisations;
 - when disclosure will happen;
 - why disclosure needs to occur;
 - how information is stored;
 - the strategies used to keep information secure;
 - who has access to the information;
 - the right of the individual to view their personal information;
 - the length of time information needs to be retained;
 - how information will be disposed of; and
 - where to find our privacy policy.
- ◆ All information regarding the children and their families attending TWOOSH:

- is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating TWOOSH.
- will only be accessible to authorised persons. The Approved Provider and the Director will determine who is authorised to access records.

Retention and storage of records

- ◆ TWOOSH will ensure that documents set out in the Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2). Locked filing cupboards, secure storage locations and password protected computers will be used to protect documents.
- ◆ The Approved Provider will develop a practice in relation to the retention and disposal of records.
- ◆ In the event that approval of the service is transferred, the requirements of Regulation 184 will be followed.
- ◆ A lockable office will be used in TWOOSH and only accessible to those identified as 'Responsible Persons' with an operational need to access this space.

Disclosure of information

- ◆ Personal information regarding the children and their families is not to be discussed with anyone outside of TWOOSH, except in circumstances outlined in Regulation 181.
- ◆ Guardians and children may seek access to personal information collected about them by contacting the Director at TWOOSH. Guardians may seek information about themselves or their children. Children may seek information about themselves only. Access to the information may be denied if:
 - access would impact the privacy of others;
 - access may result in a breach of TWOOSH duty of care to the child; or
 - the child has provided information in confidence (if requested by a guardian).
- ◆ Children or guardians' names, emails and phone numbers are deemed confidential and are not for public viewing. These will not be issued to any other person or organisation without written consent from the guardians.
- ◆ No personal information regarding an Educator is to be given to anyone without his/her written consent.
- ◆ When having conversations with guardians about behavioural issues or incidents involving their child while at TWOOSH, no other child's name will be mentioned.
- ◆ Issues raised by guardians regarding matters that may have occurred within school hours must not be discussed further. In such cases, Educators will advise guardians to address the issues with the school, and inform the Responsible Person that they have done so.
- ◆ In the enrolment form, guardians are given the opportunity to decide if they do not want their child identified in photos on TWOOSH's Facebook and website.

Personal conversations

- ◆ Personal conversations with guardians about their children, or other matters that may impact on the child's enrolment (e.g. fees), will take place in the TWOOSH office.
- ◆ Personal conversations with Educators about matters relating to their performance will take place in an area that affords them privacy such as the TWOOSH office or another suitable space.

Maintenance of information

- ◆ The Director is responsible for maintaining all service records and ensuring that information is updated regularly. These include all records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, e.g., Work, Health and Safety, Australian Taxation Office, Family Assistance Office, and Department of Education, Employment and Workplace Relations.
- ◆ TWOOSH takes all reasonable precautions to ensure personal information that is collected, used and disclosed is accurate, complete and up to date.
- ◆ Individuals will be required to advise TWOOSH of any changes that may affect the initial information provided.

Unsolicited personal information

- ◆ If unsolicited personal information reaches us in the form of email, letter, etc, they will be destroyed or deleted immediately.
- ◆ If unsolicited resumes are received, the applicant will be informed that TWOOSH is not currently hiring and asked if they would like TWOOSH to keep their resume on file or delete it.

Exchanging of information

- ◆ Part of TWOOSH enrolment requires the guardian to provide consent to share information between school and TWOOSH. This allows us to discuss matters of child development, behaviour management, child protection, or anything else that allows us to provide better care for children and families within TWOOSH.
- ◆ The legal framework for information exchange allows us to share information relating to the safety, welfare or wellbeing of children or young people without consent. It takes precedence over the protection of confidentiality or of an individual's privacy because the safety, welfare and wellbeing of children and young people is considered to be paramount. However, while consent is not necessary, it should be sought where possible.
- ◆ Exchange is only allowable between prescribed bodies as outlined under Chapter 16A of the Privacy Act. For an exchange of information to occur, TWOOSH (or the school) will need to send a letter to request information from the other party; the party receiving the request will need to reciprocate with a letter providing the requested information.

Privacy breaches

- ◆ Early childhood education and care providers are required to take certain steps to prevent privacy breaches. If any personal or sensitive information held about families and/or children is improperly accessed, disclosed or lost, the service may attract fines up to \$1.8 Million. Services will be required to proactively protect the personal and health related data they hold and report qualifying breaches to the Office of the Australian Information Commissioner (OAIC).

Revisions

Date of next review: October 2021

Date	Reviewer	Approved by
4.12.17		TWOOSH Management Committee
18.02.19		TWOOSH Management Committee
14.09.20	LL, MK	TWOOSH Management Committee
