A-12 PRIVACY/CONFIDENTIALITY POLICY

POLICY STATEMENT

We aim to provide quality care that operates in accordance with government privacy guidelines and relevant legal obligations. Our Service will make every effort to protect the privacy and confidentiality of all individuals associated with the service by ensuring that all records and information about individual children, families, educators, staff and management are kept in a safe and secure place and is not 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
- family 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.

CONSIDERATIONS

- 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
- Network OSCH Code of Conduct
- Network Record keeping factsheet
- Education and Care Services National Regulations 2011 145-152, 168, 174-177, 181, 183
- Interagency Guidelines for Child Protection Intervention 2006

PROCEDURE

(a) Collection of personal information

- Before collecting personal information, the service 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 retained; and
- ✓ How information will be disposed of.
- ✓ Where to find our privacy policy

- All information regarding the children and their families attending the service is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating the service.
- All information regarding any child/family enrolled in the service will only be accessible to authorised persons. The Approved Provider and the Nominated Supervisor will determine who is authorised to access records.

(b) Retention and storage of records

- The Service 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 OOSH and only accessible to those identified as 'Responsible persons' with an operational need to access this space.

(c) Disclosure of information

- Personal information regarding the children and their families is not to be discussed with anyone outside the service, except in circumstances outlined in Regulation 181 Confidentiality of records kept by approved provider.
- Families may seek access to the personal information collected about them and their child by contacting the Nominated Supervisor at the service. Children may also seek access to personal information about themselves. However, access may be denied if:
    - access would impact the privacy of others;
    - access may result in a breach of the service's duty of care to the child; or
    - the child has provided information in confidence.
- Lists of children's or families' names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.
- No personal information regarding a staff member is to be given to anyone without his/her written permission.

- When having conversations with parents about incidents which may have occurred at OOSH or behavioural issues, no other child's name will be mentioned within the context to a parent other than their own child's.
- Any issues parents raise in regard to issues that may have occurred within school hours must not be discussed further, parents are to be advised to address them with the school and educators are to let the responsible person know they have done so.
- Families are given the opportunity in enrolment forms to decide if they do not want their child identified in photos on Facebook and on the website.

(d) Personal conversations

- Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in the TWOOSH office.
- Personal conversations with educators and staff 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.

(e) Maintenance of information

- The Nominated Supervisor is responsible for maintaining all service records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, for example, Work, Health and Safety, Australian Taxation Office, Family Assistance Office, Department of Education, Employment and Workplace Relations (DEEWR) and for ensuring that information is updated regularly.
- The service 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 the service of any changes that may affect the initial information provided.

(f) Unsolicited personal information

- If unsolicited personal information reaches us in the form of email, letter, resume, etc, they will be destroyed or deleted immediately.
- If resumes do not form any use to us at the time of receiving them, the applicant will be asked if they would like us to keep their information on file or delete it.

(g) Exchanging of information

- Part of TWOOSH enrolment requires the permission to share information between school and OOSH. This allows our service to discuss matter of child development, behaviour management, child protection, or anything else that allows us to provide better care for children and families within our service.
- 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.
- A letter for requesting information and a letter for providing information will need to be given/provided to allow the exchange to happen. Exchange is only allowable between prescribed bodies as outlined under Chapter 16A of the Privacy Act

(h) Privacy breaches

Early childhood education and care providers are required to take certain steps if any personal or sensitive information they hold about families and/or children, is improperly accessed, disclosed or lost, attracting 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

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