



QUALITY AREA 7:
Governance & Leadership

Privacy & Confidentiality Policy

Policy Review Date: February 2019
Next Policy Review Date: February 2021

INTRODUCTION

Our Preschool recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. Our service requires personal information from families to provide appropriate and responsive care. This policy has been developed to comply with the Australian Privacy Principles (APPs) (2014) and pursues the highest standard in the protection and preservation of privacy and confidentiality.

GOALS

Katoomba Leura Preschool will:

- maintain private and confidential files for educators and staff, children and their families. We will develop systems for the appropriate use, storage and disposal of records.
- ensure the information in these files is used only for the education and care of the child enrolled in the service, and only shared with relevant or authorised people as defined within authorisations of the Education and Care Services National Regulations.

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Katoomba Leura Preschool.

STRATEGIES

Our Preschool aims to meet these goals through the adoption of this specific Privacy and Confidentiality policy and our Privacy Collection statement, which will guide our practices in this area.

The Approved Provider will:

Collection of Information

- Ensure that each family, staff, volunteers and student and committee member is provided with a privacy collection statement upon enrolment, that includes details about how they can access their

personal information, have this corrected as needed, make a complaint about a breach of privacy, if one occurs.

- Ensure each staff member, committee members, volunteers and student information is correct in personnel and other files. This includes information on qualifications, WWCC, criminal history checks, staff entitlements, contact and emergency information, health and immunisation information, and any relevant medical and legal information. This would include any other relevant information collected by the service.
- Ensure that information collected from families, educators, committee members and the community is maintained in a private and confidential manner at all times.
- Ensure that such information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined as appropriate in the Education and Care Services National Regulations, 181, which says information can be communicated:
 - » To the extent necessary for the education, care or medical treatment of the child;
 - » To the parent of the child to whom the information relates (except for information in staff records);
 - » To the regulatory authority or an authorised officer;
 - » As authorised, permitted or required to be given by or under any act or law; and
 - » With written consent of the person who provided the information.
- Ensure families are informed upon enrolment how images/photographs of their children will be used on the Internet and/or publications and gain written approval.
- Provide families with information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. Individuals can make a complaint to the Approved Provider if they believe there has been a breach of their privacy in relation to the Privacy principles. The breach will be assessed by the Approved Provider within 14 days. Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between the Approved Provider and the individual to resolve the situation, in line with the Complaints and Feedback procedure.
- Will ensure information provided by families, staff and committee members is only used for the purpose it was collected for.

The Nominated Supervisor will:

- Ensure each families' information is correct in enrolment records. This includes information on immunisation updates, income and financial details (credit card or bank information), contact details of family and emergency contact information, children's developmental records, Family Assistance information, and any medical or legal information – such as family court documentation – required by our education and care service. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child. Provide families with details on the collection of personal information collected: This information will include:

- » The types of information collected by our education and care service;
 - » The purpose of collecting information;
 - » What types of information will be disclosed to the public or other agencies; and when and why disclosure may occur;
 - » How information is stored at the service;
 - » Approaches 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 archived; and
 - » How information is disposed.
- Will ensure information provided by families and staff is only used for the purpose it was collected for. Storage of Information
 - Ensure that education and care service records, personnel records, CCS information and children's and families information is stored securely reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the education and care environment at all times.

Access to Information

- Will ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than:
 - » Medical and developmental information that is required to adequately provide education and care for the child;
 - » The Department of Education, or an authorised officer; or
 - » As permitted or required by any Act or Law.
- Individuals will be allowed access to their personal information as requested. Individuals must request this information in writing from the Nominated Supervisor. Authorised persons may request to view any information kept on their child.
- Information may be denied under the following conditions:
 - » Access to information could compromise the privacy of another individual;
 - » The request for information is frivolous or vexatious; and
 - » The information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianship.

Early Childhood Educators & Staff will:

- Maintain children's information and store documentation according to policy at all times.
 - Not share information about the education and care service, management information, other educators or children and families, without written permission or legislative authority.
 - In keeping with the Early Childhood Australia (ECA) Code of Ethics (2016), the Education and Care Services National Regulations and the Privacy Legislation, educators and staff employed by our education and care service bound to respect the privacy rights of children enrolled and their families; educators and staff and their families and any other persons associated with the service. Educators will sign a Confidentiality Statement as it relates to privacy and confidentiality of information.
- Evaluation All information pertaining to the education and care service, educators and families is maintained in a private and confidential manner in accordance with the Commonwealth Privacy Act 1988 and the Education and Care Services National Regulations.

STATUTORY LEGISLATION & CONSIDERATIONS

- Children (Education and Care Services National Law Application) Act 2010
- Education and Care Services National Regulations
- Children and Young Persons (Care and Protection) Act 1998
- Australian Privacy Principles – www.oaic.gov.au
- Office of the Australian Information Commissioner – www.oaic.gov.au
- Privacy Act 1988 (Privacy Act) – www.oaic.gov.au/privacy-law/privacy-act
- Early Childhood Australia – www.earlychildhoodaustralia.org.au

LINKS TO:

- Education and Care Services National Regulations: 181

RELATED GUIDELINES, STANDARDS, FRAMEWORKS

- National Quality Standard, Quality Area 7:Governance and Leadership

SOURCES

- CELA – Privacy and confidentiality Policy - <https://www.cela.org.au/wp-content/uploads/Resources/privacy-and-confidentiality.pdf>Education and Care Services National Regulation 2011
- Information Sheet 1A – National Privacy Principles – www.privacy.gov.au/publications/ipps.html
- Department of the officer of the Privacy Commissioner – www.privacy.gov.au
- Early Childhood Australia – www.earlychildhoodaustralia.org.au
- Child Care Service Handbook 2011–2012: Section 4.9
www.deewr.gov.au/Earlychildhood/Programs/ChildCareforServices/Operation/Documents/CCS_Handbook.pdf
- Guidelines to the Information Privacy Principles: <http://www.privacy.gov.au/law/apply/guidance>

RELATED SERVICE POLICIES

- Child Protection Policy
- Code of Conduct Policy
- Complaints and Grievances Policy
- Delivery and Collection of Children Policy
- Enrolment and Orientation Policy
- Staffing Policy
- Social Media Policy
- Inclusion and Equity Policy

MONITORING, EVALUATION AND REVIEW

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 2 years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

ATTACHMENTS:

- ATTACHMENT 1: Privacy Collection Statement
- ATTACHMENT 2: Staff Confidentiality Agreement
- ATTACHMENT 3: Volunteer/Student Confidentiality Agreement
- ATTACHMENT 4: Consent Form To Use And Disclosure Of Personal Information

Policy Reviewed by: Alison Staniford

Date: 25th February 2019

Approved by: Management Committee

Next Review Date: 25th February 2021

ATTACHMENT 1: PRIVACY COLLECTION STATEMENT

This service is committed to maintaining all personal information provided by its children, families, staff, management, volunteers, students and community in accordance with our Privacy Policy and the Australian Privacy Principles.

Each family, staff, volunteers and student and committee member is provided with a privacy collection statement upon enrolment or commencement of employment.

This statement outlines the type of personal information collected by this service and how information is acquired, used and shared. We will not sell personal information to any third parties.

What is personal information? How is it collected and why?

What information is collected?	How we collect information?	Why we collect this?
Medical information, health and immunisation	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record ➤ Immunisation history statement ➤ Health care cards – Medicare and health fund information ➤ Accident, Illness and Injury forms 	To ensure the health and safety of every child and as a requirement under Family Assistance Law and the NSW Public Health Act 2010
Income and financial details, includes credit card and banking information	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record ➤ Fee payment and purchases ➤ Tax File Number 	For the provision of the education and care service and as required under Family Assistance legislation and as per Funding Agreements with the Department of Education and Communities.
Contact details of family and emergency contact information	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record ➤ Updated details form 	Required under the Education and Care Services Regulation.
Children’s developmental records	<ul style="list-style-type: none"> ➤ Observations ➤ Assessment of children’s learning ➤ Programming documents ➤ Communications with families 	Required under the Education and Care Services Regulation and to provide a high quality education and care service.
Family Assistance information	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record 	Required under the Family Assistance legislation and under employment legislation under Income Tax legislation.
Legal information	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record 	Required under the Education

	<ul style="list-style-type: none"> ➤ Court orders or AVOs 	and Care Services Regulation.
Employment, marital status and nationality	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record 	Required under employment legislation and to provide priority of access under commonwealth and state legislation.
Qualifications	<ul style="list-style-type: none"> ➤ Employment record ➤ Certified copies of documents 	Required under the Education and Care Services Regulation.
WWCC, criminal history checks	<ul style="list-style-type: none"> ➤ Employment record ➤ Originals of documents 	Required under the Education and Care Services Regulation.
Staff entitlements	<ul style="list-style-type: none"> ➤ Payroll records ➤ Tax File Number 	Provision of entitlements.
Any information required to be recorded under the National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child	<ul style="list-style-type: none"> ➤ Enrolment form ➤ Employment record ➤ Complaints records 	Required under appropriate legislation.

Personal information is information that personally identifies an individual, such as a name, residential or email address and includes information relevant to the enrolment process, credit card information, billing records, documentation of a child's learning and development, and recorded information regarding complaints.

Publicly available information, such as information on a public website profile is not considered personal information.

This service only collects personal information when individuals specifically and knowingly elect to provide this, such as when individuals enrol a child in the service, pay fees or subscriptions, and provide health or family information to support the inclusion of a child.

This service complies with the Payment Card Industry Data Security Standards (PCIDSS) when handling credit card transactions and securely stores all credit card information for Direct Debit or credit card payment/eftpos payments in accordance with the Fees policy.

Direct communications

This service uses individual's personal information to send information by post, email or telephone. Individuals are provided with an opportunity to elect not to receive such information upon enrolment or through written notification to the service.

If individuals do not wish to receive direct communications, contact our service directly on (02) 4821639 or klpsk@iinet.net.au

What happens with personal information?

This service will strive to let individuals know how any personal information will be used at the time of collection. Individuals will be asked if personal information can be used to establish contact with them regarding other aspects of organisational business. This service will not sell or trade individuals' personal information to other third parties.

This service collects and uses personal information generally to provide individuals with the information and the services they request, to provide appropriate and relevant information pertaining to the education and care of a child/ren, and to continue to improve service quality.

Where is personal information stored?

Personal information is stored in a safe and secure manner, using locked filing cabinets or a password protected database and computer. Information is backed up electronically and securely stored. Data will not be altered or destroyed except in extraordinary circumstances.

Hard copy information is stored at the service, which is secured to prevent entry by unauthorised people. Any personal information not actively being used may be archived, in accordance with regulatory requirements.

Personal information will remain stored in accordance with the NQF record keeping requirements.

Access and updating personal information

Individuals may ask to access, update or delete personal information held about them at any time. Reasonable steps will be taken to verify an individual's identity before granting access, making any corrections to, or deleting information. If a customer wishes to make a complaint, please refer to the Complaints Policy.

Individuals requiring access to, or wanting to update personal information, can contact the service on (02) 47821639 or klpsk@iinet.net.au

ATTACHMENT 2: STAFF CONFIDENTIALITY AGREEMENT

Guiding Principles:

- Confidentiality is important to establish and maintain trusting and lasting relationships among parents/legal guardians and professionals.
- Confidentiality is the cornerstone to ensure that privileged information is accessible only to those authorized to have access.
- Confidentiality acknowledges respect for human relationships in which personal information is shared.
- Confidentiality assumes that those who pledge to safeguard confidential information will do so.

I acknowledge that personal information:

- can only be accessed if it is necessary for me to complete my job
- cannot be disclosed to other organisations (including colleges, RTOs) or discussed with individuals outside the service including personal family members unless I have written consent from the person (or parent) concerned.
- must be stored in compliance with service practices which safeguard its security.

As a _____, (position/role) I will receive and have access to confidential information about children and families. Except when required by law, this information will be kept in the strictest confidence.

I understand that the discussion of personal information about children and families without authorised consent is unethical.

I will abide by this Confidentiality Agreement to ensure respect for the privacy of children and families at Katoomba Leura Preschool.

Name of staff member (please print)

Signature of staff member

Signature of Witness

Date (DD/MM/YY)

ATTACHMENT 3: VOLUNTEER/STUDENT CONFIDENTIALITY AGREEMENT

Guiding Principles:

- Confidentiality is important to establish and maintain trusting and lasting relationships among parents/caregivers/legal guardians and professionals.
- Confidentiality is the cornerstone to ensure that privileged information is accessible only to those authorised to have access.
- Confidentiality acknowledges respect for human relationships in which personal information is shared/
- Confidentiality assumes that those who pledge to safeguard confidential information will do so.

As a _____, (role) I will receive and have access to confidential information about children, families and staff. Except when required by law, this information will be kept in the strictest confidence.

I understand that the discussion or personal information about children, families and staff without authorise consent is unethical.

I will abide by this Confidentiality Agreement to ensure respect for the privacy of children and families at Katoomba Leura Preschool.

I acknowledge that personal information:

- can only be accessed if it is necessary for me to complete my job
- cannot be disclosed to other organisations (including colleges, RTOs) or discussed with individuals outside the service including personal family members unless I have written consent from the person (or parent) concerned.
- must be stored in compliance with service practices which safeguard its security.

Signature

Name (please print)

Date

Witness Signature

Name (please print)

Date

ATTACHMENT 4: CONSENT TO USE AND DISCLOSURE OF PERSONAL INFORMATION

I am an employee/contractor of Katoomba Leura Preschool.

I understand that the Service receives funding for the childcare services it provides under a funding agreement with the New South Wales Department of Education and Communities (Department).

I also understand that it is a condition of that funding agreement that the Service collects Personal Information for the Department to monitor the Service's performance under the funding agreement.

Personal information (including information or an opinion) may include my name and contact details, my date of birth, my qualifications, when I commenced employment with the Service and details of my prior employment. It could include sensitive information.

I authorise the Service to disclose my Personal Information to the Department. I understand that the Department will only use or disclose my Personal Information as permitted under applicable privacy laws including the Privacy and Personal Information Protection Act 1998 (NSW). In limited circumstances this may include disclosure to other Australian government agencies, including the Commonwealth and to those located in States and Territories outside New South Wales.

The Department may use my Personal Information for any purpose relating to the exercise of its governmental functions including for, but not limited to, the assessment and potential provision of support or funding to the Service including for any teachers (including myself) or caregivers in connection with the Service.

The Department requires your Personal Information to allow the Department to monitor government funding of early education and care services. If you do not agree to your Personal Information being provided to the Department then this could impact the services at, or funding allocation made available to, the Service.

Under law, you may have a right of access to, and correction of, such information. Please contact the Service or the Department in such circumstances.

I consent to the collection, use and disclosure of my Personal Information in the manner outlined in this form.

DETAILS OF EMPLOYEE/CONTRACTOR	
PRINT FULL NAME OF EMPLOYEE/CONTRACTOR	

SIGNATURE OF EMPLOYEE/CONTRACTOR DATE:

_____ / ____ / ____