

Privacy and Confidentiality Policy

The right to confidentiality and privacy of the child and the family is outlined in Early Childhood Code of Ethics and National Education and Care Regulations. We will respect the privacy of children and their parents and educators, while ensuring that they access high quality early years care and education in our Service.

National Quality Standards (NQS)

Quality Area 4: Staffing Arrangements	
4.2.1	Professional standards guide practice, interactions and relationships.
4.2.1	Interactions convey mutual respect, equity and recognition of each other's strengths and skills

Quality Area 5: Relationship with Children	
5.2.3	The dignity and the rights of every child are maintained at all times

Quality Area 6: Partnership with Families	
6.1	Respectful supportive relationships are developed and maintained

Quality Area 7: Leadership and Service Management	
7.1	Effective leadership promotes a positive organisational culture and builds a professional learning community.
7.2	There is a commitment to continuous improvement
7.3	Administrative systems enable the effective management of a quality Service.

Education and Care Services National Regulations

Children (Education and Care Services) National Law NSW	
168	Education and care services must have policies and procedures
181	Confidentiality of records kept by approved provider
181-184	Confidentiality and storage of records

PURPOSE

To preserve private and confidential files of the children, families, staff and visitors using the service. We aim to protect the privacy and confidentiality by ensuring continuous improvement on our current systems use, storage and disposal of records, ensuring that all records and information about individual children, families, educators and management are preserved in a secure place and are only retrieved by or released to people who need the information to fulfil their responsibilities at the service or have a legal obligation to distinguish.

SCOPE

This policy applies to children, families, staff, management and visitors of the service.

IMPLEMENTATION

Early Childhood Services are obligated by law, service agreements and licensing requirements to comply with privacy and health records legislation when collecting personal and health information about individuals.

National Privacy Principles

NPP 1: Collection

Describes what an organisation should do when collecting personal information, including what they can collect, collecting from third parties and, generally, what they should tell individuals about the collection.

NPP 2: Use and disclosure

Outlines how organisations may use and disclose individuals' personal information. If certain conditions are met, an organisation does not always need an individual's consent to use and disclose personal information. There are rules about direct marketing.

NPPs 3-4: Information quality and security

An organisation must take steps to ensure the personal information it holds is accurate and up-to-date, and is kept secure from unauthorised use or access.

NPP 5: Openness

An organisation must have a policy on how it manages personal information, and make it available to anyone who asks for it.

NPP 6: Access and correction

Gives individuals a general right of access to their personal information, and the right to have that information corrected if it is inaccurate, incomplete or out-of-date.

NPP 7: Identifiers

Generally prevents an organisation from adopting an Australian Government identifier for an individual (e.g. Medicare numbers) as its own.

NPP 8: Anonymity

Where possible, organisations must give individuals the opportunity to do business with them without the individual having to identify themselves.

NPP 10: Sensitive information

Sensitive information includes information such as health, racial or ethnic background, or criminal record. Higher standards apply to the handling of sensitive information.

Management will:

- Provide Staff and Educators with relevant changes
- Make sure all relevant staff understand the requirements under Australia's privacy law
- Keep up to date 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 (Cth) and Privacy amendments (Enhancing Privacy Protection) Act 2012 (Cth)
- Ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations
- Ensure the service acts in accordance with the requirements of the 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 the 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 collect by the service
 - protection of personal information from unauthorised access
- Ensure the appropriate use of images of children
- Deal with privacy complaints promptly and in a consistent manner, following the Service's Grievance Procedures. Where the aggrieved person is dissatisfied after going through the grievance process
- 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 manner
- Children and staff files are stored in a locked and secure cabinet
- Ensure Information relating to staff employment will remain confidential to the people directly involved with making personnel decisions.
- Information shared with us by the family will be treated as confidential unless told otherwise.
- Inform the Chair and Secretary of any suspected or actual breaches and determine whether it may cause serious harm and to be reported to the Department of Children services licensing or require any action to be taken.

Nominated Supervisor will:

- Adhere to centre policies and procedures, supporting management
- Ensure educators, staff, volunteers and families are aware of the privacy and confidentiality policy
- Ensure the service obtains consent from parents and/or guardian of children who will be photographed or videoed by the service
- Ensure families only have access to the files and records of their own children
- Information given to Educators will be treated with respect and in a 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 allergies

- Will 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.
- Information shared with us by the family will be treated as confidential unless told otherwise.

Certified Supervisors and Staff will:

- Read and adhere to the privacy and confidentiality policy at all times
- Ensure recording information and photographs of children are kept secure and may be requires 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
- Will 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.
- Information shared with us 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 to share information about the individual or service, management information, or other staff as per legislative authority.

Personal information our service may request in regards to children:

- Parent contact details
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records
- Custodial arrangements
- Incident reports
- Medication reports
- Medical records
- Permission forms

Personal information our service may request in regards to staff

- Personal details
- Tax information
- Working contract
- Emergency contact details
- Medical details
- Working with children check
- Qualifications
- Medical history
- Resume
- Superannuation details
- First Aid, Asthma and Anaphylaxis certificates

Jurisdiction specifications for each state

Western Australia (WA)
<ul style="list-style-type: none"> No jurisdictions specification

Source

<ul style="list-style-type: none"> Australian Children’s Education & Care Quality Authority. (2014). Guide to the Education and Care Services National Law and the Education and Care Services National Regulations ECA Code of Ethics. Guide to the National Quality Standard. National Privacy Principles https://www.oaic.gov.au/privacy-law/privacy-archive/privacy-resources-archive/national-privacy-principles Privacy Victoria www.privacy.vic.gov.au United Nations Convention of the Rights of a child Privacy Act 1988

Review

Policy Reviewed	Modifications	Next Review Date
March 2018	Minor changes made to ensure compliance with regulations	March 2020