

CONFIDENTIALITY POLICY

SUB CATEGORY: Administration and Management

POLICY GOAL

To protect the privacy and confidentiality of individuals by ensuring that sensitive information about individual children, families, team members and management are kept in a secure place and are only accessed by, or disclosed to, those people who need the information to fulfill their responsibilities at the centre or have a legal right to know.

RATIONALE

We are committed to ensuring the confidentiality of a range of records under state and federal legislation. The following is required under the Education and Care Services National Regulations;

“Subdivision 4—Confidentiality and storage of records

181 Confidentiality of records kept by approved provider

The approved provider of an education and care service must ensure that information kept in a record under these Regulations is not divulged or communicated, directly or indirectly, to another person other than—

- (a) to the extent necessary for the education and care or medical treatment of the child to whom the information relates; or*
- (b) a parent of the child to whom the information relates, except in the case of information kept in a staff record; or*
- (c) the Regulatory Authority or an authorised officer; or*
- (d) as expressly authorised, permitted or required to be given by or under any Act or law; or*
- (e) with the written consent of the person who provided the information.”¹*

We are committed to protecting personal information. This Policy embodies this commitment and applies to personal information collected by our service. We adhere to the requirements of the *Information Privacy Principles* contained within the *Privacy Act* and the *Guidelines for Federal and ACT Government World Wide Websites*, issued by the Office of the Australian Information Commissioner and Privacy Commissioner.

This Policy outlines how we maintain this commitment, and how the personal information collected is handled.

What is personal information?

Personal information is broadly defined under the *Privacy Act* as information or an opinion about a person, which identifies that person or would allow his or her identity to be reasonably ascertained. Some examples of personal information include names, addresses, phone numbers, photographs and email addresses.

Information we collect and how that information is used

We collect personal information in order to comply with state and territory legislation and only use personal information for the purposes for which it was provided and for directly related purposes (unless otherwise required by or authorised under law).

¹ “*Education and Care Services National Regulations*”, Ministerial Council for Education, Early Childhood Development and Youth Affairs (Oct 2011)

Types of information we collect

Specific information about educators, families and children as listed under the National Regulations 2011. Information about children's learning, development and participation in programs and activities.

Access and alteration of records containing personal information

When you provide personal information, you are allowed access to your personal information and may correct the information if it is inaccurate (subject to restrictions on such access/alteration of records under the applicable provisions of any law of the Commonwealth).

IMPLEMENTATION

- The Service Provider, Nominated Supervisor and all educators must ensure that records and information are stored appropriately to ensure confidentiality and in accordance with legislative requirements.
- Records will be kept in such a way that restricts unauthorised access.
- Information will be collected as required under section 181 of the Education and Care Services National Regulations (2011)
- Families will be given access to all information kept at the service in relation to themselves and their children except where documents are protected in a court order or other relevant document.
- Nominated Supervisors should ensure they are aware of the current legislative requirements.
- Where applicable forms will advise of the reason for the collection of the information and the intended use.
- Permission will be sought from families for the use of photographs both at the service and externally.
- No person is authorised to give out information relating to any child or adult at the service including educators without the permission of that person (or guardian in the instance of a child). This excludes instances where information is required to be shared for medical emergencies or under legislation.
- The Centre will obtain parent/guardian permission before disclosing a child's personal and sensitive information to a professional attending the program for the specific purpose of providing a service to a child. This includes early intervention teachers, speech therapists, occupational therapists and doctors.
- Information relevant to the provision of care to a child as provided by parents or other persons will be shared with educators caring for that child.
- Families are advised that information about children including their names, birthday and photos may be displayed around the service. If families do not wish this to occur they should notify the Nominated Supervisor immediately.
- The Service Provider, Nominated Supervisor and educators will take all reasonable precautions to ensure personal information that is collected, used and disclosed is accurate, complete and up-to-date. However, the accuracy of that information depends to a large extent on the information that is provided by the individuals.
- Individuals will be required to advise our service of any changes that may affect the initial information provided.
- We will take all reasonable steps to protect personal information from misuse, loss, change and unauthorised access/disclosure.
- Government identifiers such Customer Reference Numbers, Health Care Card Numbers, Medicare numbers or Veteran's Affairs numbers will only be used for the purpose for which they were issued.

- We respect the rights of individuals with respect to personal and sensitive information. A higher level of privacy protection applies to sensitive information:
 - Sensitive information relates to information about an individual's religious beliefs, racial or ethnic origin, philosophical beliefs, political opinions, membership of a political persuasion, membership of a trade union, sexual preferences or practices, criminal records or health information.
 - Sensitive information can only be collected with an individual's (or parent's/guardian's) consent to do so.
 - Sensitive information can only be used when informed consent is obtained at the same time the information was collected.
- Educators will conduct confidential conversations in a quiet area away from other children, parents and educators. Such conversations are to be written down and stored in a confidential folder where appropriate.

At our Service we adopt the following principles for handling personal information based on the Privacy Act (1988):

- Collection of information will be lawful and fair.
- People will be told what personal information is collected and why.
- Personal information collected will be of good quality and not too intrusive.
- Personal information will be properly secure.
- People will have access to their own records.
- Use of personal information will be limited and relevant.
- The disclosure of personal information outside the agency will not be allowed.

COMMUNICATION AND CONSULTATION

- Upon enrolment families will be advised of the purpose of collecting information and its intended use.
- Educators and Families will have access to this policy at all times.
- Educators and families will be provided with opportunities to be involved in the review of this policy.
- Forms collecting personal information will advise of the purpose of collecting information and its intended use.
- This policy will be provided to educators upon employment and to students/volunteers upon commencement.

RELATED FORMS AND DOCUMENTS

- All relevant forms collecting information
- Information Technology Policy
- Students, Volunteers and Visitors Policy
- Staff Induction Checklist
- Recruitment, Selection and Employment Policy

SCOPE AND ENFORCEMENT

The Failure of any person to comply with this policy in its entirety may lead to;

- Termination of Child Enrolment
- Performance Management of an employee which may lead to Termination

RECOGNISED AUTHORITIES AND DOCUMENTS WHICH GUIDE POLICY

- "Child Care Service Handbook 2012-2013", DEEWR, Australian Government (accessed on-line Jan 2014 <http://docs.education.gov.au/documents/child-care-service-handbook-2012-13>)
- "Education and Care Services National Regulations", Ministerial Council for Education, Early Childhood Development and Youth Affairs (Oct 2011)
- Office of the Privacy Commissioner, Australian Government website: (accessed Jan 2014 www.privacy.gov.au)
- "The Privacy Act" Australian Government (1988)
- "A Privacy Checklist for Small Businesses", Officer of the Privacy Commissioner, Australian Government (2007) (accessed on-line Jan 2014 <http://www.privacy.gov.au/materials/types/brochures/view/6053>)
- Officer of the Australian Information Commissioner, Australian Government website (accessed on-line Jan 2014 <http://www.oaic.gov.au/>)

DATE CREATED: November 2011

REVIEW DETAILS:

Review Date	Details of Changes
January 2013	No change, sources updated where applicable
January 2014	No change, sources updated where applicable