

## Privacy and Confidentiality

Hay Children's Services Inc (HCS) 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.

This policy is supported by the Privacy Collection Statement.

### Goals / What are we going to do?

We 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.

### Strategies / How will it be done?

Our education and care service 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.

### Roles and responsibilities

#### Approved Provider

- Ensure that each family, staff, volunteer, student and committee member is provided with a privacy collection statement upon enrolment/employment, 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 member, volunteer 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 any other 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 handling and notifications policy 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 handling and notifications policy. Will ensure information provided by families, staff and committee members is only used for the purpose it was collected for.
  - Ensure records are securely destroyed in accordance with the following:
    - If the record is an incident, illness, injury or trauma record, until the child is aged 25 years.
    - If the record relates to the death of a child while being educated and cared for by the service or that may have occurred as a result of an incident while being educated and cared for, until the end of 7 years after the death.
    - In the case of any other record relating to a child enrolled at the service, until 3 years after the last date on which the child was educated and cared.
    - If the record relates to the Approved Provider, until the end of 3 years after the last date on which the approved provider operated the service.
    - If the record relates to the nominated supervisor or staff member of an education and care service, until the end of 3 years after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service.
    - In the case of any other record, 3 years after the date on which the record was made.
    - All financial records to be kept for a period of 7 years.

## **General Manager**

- Support Nominated Supervisors to undertake their responsibilities to always ensure adherence to the policy.
- Support Approved Provider to understand their responsibilities in relation to this policy.

## **Nominated Supervisor and Administration Staff**

- 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.
    - Ensure information provided by families and staff is only used for the purpose for which it was collected.

### **Storage of Information**

- Ensure that education and care service records, personnel records, CCS information and children and family 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

- 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 (2008), the Education and Care Services National Regulations and the Privacy Legislation, educators and staff employed by our education and care service are 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 clause as part of their employment contract as it relates to privacy and confidentiality of information.

## Relates to the following policies and procedures

- Code of Conduct
- Governance and Management Policy
- Privacy Collection Statement
- Administration of Medication Policy
- Infectious Diseases Policy
- Enrolment Policy
- Fee Policy
- Medical Conditions Policy
- Incident, Injury, Trauma and Illness Policy
- Complaints Handling and Notifications Policy
- Workplace Health and Safety 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 12 months.

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.

## Related Legislation and Considerations

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011, 168, 181 & 183
- Australian Privacy Principles - [www.oaic.gov.au](http://www.oaic.gov.au)
- Office of the Australian Information Commissioner - [www.oaic.gov.au](http://www.oaic.gov.au)
- Privacy Act 1988 (Privacy Act) - [www.oaic.gov.au/privacy-law/privacy-act](http://www.oaic.gov.au/privacy-law/privacy-act)
- Early Childhood Australia - [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

## **Related Guidelines, Standards, Frameworks**

National Quality Standard, Quality Area 7: Governance and Leadership

### **Date Approved:**

June 2021

### **Date for review:**

November 2025