

Privacy & Confidentiality Policy

Policy Created Date: 21st October, 2014

Policy Reviewed Date: 24th February, 2015

Introduction

Ballina River Street Children's Centre 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 - 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 authorizations of the *Education and Care Services National Regulations*.
Quality Area 7: Leadership and service management – Element 7.3.1 Records & information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements.

Strategies - How will it be done?

Ballina River Street Children's Centre aims to meet these goals through the adoption of this specific Privacy and Confidentiality policy and our Privacy Collection statement which will guide our practice in this area.

The Approved Provider will:

- Ensure that each family, staff, volunteer 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. This can also be accessed on our website at www.riverpreschool.com.au
- Ensure each staff member, committee members, volunteers and student information is correct in personnel and other files. This includes information on qualification, WWCC, criminal history checks, staff entitlements, contact and emergency information, health

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Education and Care Services National Regulations: 177-184

Link to National Quality Standard: 7.3.5, 7.3.1

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);
 - ❖ As authorised, permitted or required to be given by or under 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.
- 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.
- We 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 family's information is correct in enrolment records. This includes information on immunisation updates, income and financial details, contact details of the family and emergency contact information, children's developmental records, Family Assistance information(Health Care card), and any medical or legal information – such as family court documentation – required by Ballina River Street Children's Centre. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law and 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 Ballina River Street Children's Centre;
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- ❖ 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 Ballina River Street Children's Centre records, personnel records 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 and Communities , 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 comprise the privacy of another individual;
 - ❖ The request for the 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.

Educators will:

- Maintain children’s information and store documentation according to policy at all times.
- Not share information about the Ballina River Street Children’s Centre, 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 Ballina River Street Children’s Centre 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 Statement as it relates to the privacy and confidential of information.

Evaluation

All information pertaining to Ballina River street Children’s Centre, educators and families is maintained in a private and confidential manner in accordance with the Commonwealth Privacy Act 1988 and Education and Care Services National Regulations.

Statutory Legislation & Considerations

- Privacy Act 1988- www.privacy.gov.au/law/act
- Privacy Amendment Private Sector Act 200
- Privacy and Personal Information Protection Act 1998
- 2014 law reform *The Privacy Amendment(enhancing Privacy Protection) Act 2012(Privacy Amendment Act)* many significant changes to the Privacy Act 1988 (Privacy Act) the Privacy Regulation 2013 made under the Privacy Act commenced 12th March, 2014 - www.oaic.gov.au
- Australian Government, Office of the Commissioner – Privacy fact sheet 17 (Australian Privacy Principles, January 2014
- Children (Education and Care Services National Law Application) Act 2010
- Education and Care Services National Regulations 2011

Sources

- Information Privacy Principles, www.privacy.gov.au/publications/ipps.html
- Department of the Officer of the Privacy Commissioner - www.privacy.gov.au
- Office of the Privacy Commissioner – www.oaic.gov.au
- Early Childhood Australia - www.earlychildhoodaustralia.org.au
- Community Childcare Cooperative Sample Policies - www.ccccnsw.org.au

Signed by the representative of the management committee

Name: Signature:

Date: