

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

Regulations 168, 181, 183

# PRIVACY & CONFIDENTIALITY POLICY

### Policy Statement:

At Tenison Woods College Early Learning & Community Centre, privacy is acknowledged as a fundamental human right. Our Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Early Childhood Code of Ethics, National Education and Care Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

### Background:

To ensure that the confidentiality of information and files relating to the children, families, staff, and visitors using the Service is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records. We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information. Our Service takes data integrity very seriously, we strive to assure all records and data is protected from unauthorised access and that it is available to authorised persons when needed. This policy provides procedures to ensure data is stored, used and accessed in accordance with relevant policies and procedures, example enrolment policy, CCS Account policy.

### National Quality Standards (NQS) Links

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service.
7.1.1	Service philosophy and purpose	A statement of philosophy guides all aspects of the service's operations.
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

### Legislative requirements:

#### **Regulation 168 – Education and Care Services Must Have Policies and Procedures**

- Our Centre has policies and procedures as set out in sub regulation 2 in Regulation 168.

#### **Regulation 181 – Confidentiality of records kept by approved provider**

- The approved provider must ensure the information kept in a record under these regulations is not divulged or communicated directly or indirectly to another person other than
  - The necessary care or medical treatment of the child to whom the information relates
  - A parent of the child to whom the information relates in accordance with regulation 177 (except in the case of information kept in a staff record)
  - The Regulatory Authority or an authorised officer
  - As expressly authorised, permitted or required to be given by or under any act or law
  - With the written consent of the person who provided the information

#### **Regulation 183 – Storage of records and other documents**

- The approved provider must ensure all records and documents (Reg 177) are stored in a safe and secure place and for the relevant period set out in sub regulation (2)
- The records must be kept:
  - (a) if the record relates to an incident, illness, injury or trauma suffered by a child while being educated and cared for by the education and care service, until the child is aged 25 years;
  - (b) if the record relates to an incident, illness, injury or trauma suffered by a child that may have occurred following an incident while being educated and cared for by the education and care service, until the child is aged 25 years;

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

### Regulations 168, 181, 183

- (c) if the record relates to the death of a child while being educated and cared for by the education and care 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;
- (d) in the case of any other record relating to a child enrolled at the education and care service, until the end of 3 years after the last date on which the child was educated and cared for by the service;
- (e) 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 education and care service;
- (f) if the record relates to a 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;
- (g) in case of any other record, until the end of 3 years after the date on which the record was made.

### Principles to Inform Policy:

Our policy is guided by the following principles:

- **Ethical and Legal Responsibility:** The Service has an ethical and legal obligation to uphold privacy and confidentiality in line with the Early Childhood Code of Ethics, National Education and Care Regulations, and the Privacy Act 1988 (Cth).
- **Respect for Privacy:** All individuals, including children, families, educators, and staff, have a right to privacy that will be upheld and respected in all aspects of the Service's operations.
- **Trust and Relationships:** Protecting sensitive information fosters trust and positive relationships between families and the Service, ensuring an inclusive and supportive environment.
- **Secure Management of Information:** The Service will ensure that all records are stored securely, accessed only by authorised personnel, and disposed of in a manner that maintains confidentiality.
- **Continuous Improvement:** Systems and practices for the storage, use, and disposal of records will be regularly reviewed and updated to align with current legal requirements and best practices.
- **Accessibility to Information:** Information will only be disclosed to individuals or entities legally entitled to access it, ensuring compliance with relevant policies and regulations.
- **Data Integrity:** The Service is committed to protecting data from unauthorised access, ensuring information is accurate, secure, and available to authorised persons when required.

### Key Terms:

- **ACECQA:** The Australian Children's Education and Care Quality Authority, responsible for overseeing the implementation of the National Quality Framework (NQF).
- **Approved Provider:** The entity responsible for ensuring compliance with legal and regulatory requirements of the Service.
- **Authorised Personnel:** Individuals with legal rights or explicit permission to access specific information, including parents, staff, and regulatory bodies.
- **Confidentiality:** The ethical and legal duty to protect information from being shared without appropriate consent or authority.
- **Data Integrity:** The accuracy, consistency, and security of data maintained throughout its lifecycle.
- **Disclosure:** The process of sharing information with a third party in accordance with legal or ethical requirements.
- **Legislative Compliance:** Adherence to laws, regulations, and standards governing privacy and confidentiality, such as the Privacy Act 1988 (Cth) and the Education and Care Services National Regulations.
- **NQS:** The National Quality Standard, which sets benchmarks for the quality of education and care services in Australia.
- **Privacy:** A fundamental human right to have personal and sensitive information protected from unauthorised access, use, or disclosure.
- **Records:** Any form of documented information relating to children, families, staff, and the Service, including enrolment forms, medical records, incident reports, and staff employment documents.
- **Retention Period:** The legally mandated time frame during which records must be securely stored before being disposed of.

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

*Regulations 168, 181, 183*

- **Secure Storage:** Practices and systems designed to keep records safe from unauthorized access, loss, or damage.
- **Sensitive Information:** Personal data that includes health, medical, cultural, or any other information that could identify an individual and requires careful handling.
- **Regulatory Authority:** The governing body responsible for enforcing the Education and Care Services National Regulations and ensuring the quality of education and care services.

### Links to Other Policies and Procedures:

- Providing a Child Safe Environment
- Interactions with Children, Families and Staff
- Governance and Management
- Complaint and Grievance
- Enrolment and Orientation Policy
- Payment of Fees Policy
- Illness, Incident, Injury and Trauma Policy
- Nutrition, Dietary and Cultural Requirements

### Inductions and Ongoing Training

- Upon starting employment at the Early Learning & Community Centre, all employees are sent policies and procedures of the Centre and in the first month given an induction on specific topics relating to 'Privacy and Confidentiality'
- At management discretion or when deemed required training or PD will be put in place to ensure all staff are following best practice and implementing a successful educational program and practice.

### Policy Created/Reviewed:

This policy was created in December 2024 and will be reviewed every two years or as the Director deems necessary to ensure compliance with regulations and alignment with best practices.

### Monitoring, Evaluation, and Review:

This policy will be reviewed and evaluated as needed to ensure compliance with regulations and alignment with our service's philosophy and goals. The Director is responsible for conducting these reviews.

### References

- Australian Childcare Alliance. (2019). Changes to Australia's privacy law: What ECEC services need to know: <https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know>
- Australian Children's Education & Care Quality Authority. (2014)
- Australian Government Office of the Australian Information Commission – Australian Privacy Principles: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>
- Early Childhood Australia Code of Ethics. (2016).
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
- Guide to the National Quality Standard. (2020)
- Privacy Act 1988. Revised National Quality Standard. (2018).
- UN General Assembly (1989)
- United Nations Convention of the Rights of a child

### Policy Review

This policy will be reviewed in accordance with regulatory requirements, but no less frequently than every two years.

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

*Regulations 168, 181, 183*

Reviewed by David Meziniec  
*Tenison Woods College Principal*



**Signed:**  
**Dated: 4.8.24**

Reviewed by Fran Scanlon  
*Early Learning & Community Centre Director*



**Signed:**  
**Dated: 1.8.24**

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

*Regulations 168, 181, 183*

# PRIVACY & CONFIDENTIALITY PROCEDURE

### **Procedure Statement:**

Privacy is acknowledged as a fundamental human right. Our Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Early Childhood Code of Ethics, National Education and Care Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

### **Procedure**

#### **STEP 1 – COLLECTION OF DATA**

Tenison Woods College Early Learning and Community Centre is committed to protecting personal information in accordance with our obligations under the Privacy Act 1988 and Privacy Amendments (Enhancing Privacy Protection) Act 2012.

Personal information includes a broad range of information, or an opinion, that could identify an individual. Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

Source: OAIC-Australian Privacy Laws, Privacy Act 1988

#### ***Personal information our Service may request regarding enrolled children:***

- Child's name
- Gender
- Date of birth
- Birth Certificate
- Address
- Religion
- Language spoken at home
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records- (Immunisation History Statement)
- Developmental records and summaries
- External agency information
- Custodial arrangements or parenting orders
- Incident reports
- Medication reports
- Child Care Subsidy information
- Medical records
- Permission forms – including permission to take and publish photographs, video, online learning journals, regular outings
- Doctor's contact information
- Centrelink Customer Reference number (CRN)
- Dietary requirements

#### ***Personal information our Service may request regarding parents and caregivers***

- Parent/s full name
- Address
- Phone number (mobile & work)
- Email address
- Bank account or credit card detail for payments

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

*Regulations 168, 181, 183*

- Centrelink Customer Reference number (CRN)
- Family court documentation- custody arrangements or parental agreement
- Any other information related to Family Assistance Law

### ***Personal information our Service may request regarding staff and volunteers***

- Personal details
- Tax information
- Banking details
- Working contract
- Emergency contact details
- Medical details
- Immunisation details
- Working With Children Check verification
- Educational Qualifications
- Medical history
- Resume
- Superannuation details
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates
- Professional Development certificates
- PRODA related documents such as RA number and background checks
- 

### **STEP 2 - METHOD OF COLLECTION OF INFORMATION**

1. Information is generally collected using standard forms at the time of enrolment or employment.
2. Additional information may be provided to the Service through email, surveys, telephone calls or other written communication.
3. Information may be collected online through the use of software such as CCS software or program software SPIKE

### **STEP 3 - STORAGE OF PERSONAL INFORMATION**

To protect personal and sensitive information, our Services maintains physical, technical and administrative safeguards. All personnel records, CCS information, personal records related to children and families and other records related to service's provision of education and care will be stored securely and only accessed by authorised personnel.

1. All hard copies of information will be stored in children's individual files or staff individual files in a locked cupboard or filing cabinet
2. All computers used to store personal information are password protected. Each staff member will be provided with a unique username and password for access to CCS software and program software. Staff are not permitted to share usernames and passwords
3. Access to personal and sensitive information is restricted to key personal only
4. Security software is installed on all computers and updated automatically when patches are released
5. Data is regularly backed up on external drive and/or through a cloud storage solution
6. Any notifiable breach to data is reported
7. All staff are bound to respect the privacy rights of children, families, other personnel of the service. All staff must sign a Confidentiality Agreement to maintain the privacy and security of information and agree to delete any confidential information from personal devices, surrender documentation, software and any other materials related to the Service upon ceasing employment with the service.
8. Procedures are in place to ensure information is communicated to intended recipients only (parent can only see a copy of their own invoices/payments via their email)

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

*Regulations 168, 181, 183*

### STEP 4 - ACCESS TO PERSONAL AND SENSITIVE INFORMATION

Personal and sensitive information about staff, families and children will be stored securely at all times. Families who have access to enrolment or program information online will be provided with a unique username and password. Families will be advised not to share username and passwords.

The Approved Provider will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

- The extent necessary for the education and care or medical treatment of the child to whom the information relates
- A parent of the child to whom the information relates, except in the case of information kept in a staff record
- The Regulatory Authority or an authorised officer
- As expressly authorised, permitted or required to be given by or under any Act or law
- With the written consent of the person who provided the information.

### STEP 5 - DISCLOSING PERSONAL AND SENSITIVE INFORMATION

Our Service will only disclose personal or sensitive information to:

- A third-party provider with parent permission (for example CCS software provider)
- Child Protection Agency- Office of the Children's Guardian and Regulatory Authority as per our Child Protection and Child Safe Environment Policies
- As part of the purchase of our business asset with parental permission.

### STEP 6 - COMPLAINTS AND GRIEVANCES

1. If a parent, employee or volunteer has a complaint or concern about our Service, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact the Approved Provider so reasonable steps to investigate the complaint can be made and a response provided.
2. For any other general concerns, parents and families are requested to follow our grievance and complaint policy and procedure
3. Alternatively, they can contact the Office of Australian Information Commissioner on 1300 363 992 or: [https://forms.business.gov.au/smartforms/landing.htm?formCode=APC\\_PC](https://forms.business.gov.au/smartforms/landing.htm?formCode=APC_PC)

### Compliance and Review

- Regulatory Compliance: Ensure that the education program and practice comply with the Education and Care Services National Law and Regulations.
- Annual Review: Conduct an annual review of the policy and procedures to ensure they remain current and effective. Seek input from staff, families, and the community during the review process.

### Responsibilities

#### Approved Provider

- Ensure the Service acts in accordance with the requirements of the Australian 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 or who will have access to 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 collected by the Service
  - Protection of personal information from unauthorised access.
- Provide Staff and Educators with relevant information regarding changes to Australian privacy law and Service policy

## PRIVACY AND CONFIDENTIALITY POLICY & PROCEDURE

### *Regulations 168, 181, 183*

- Ensure all relevant staff understand the requirements under Australia's privacy law and Notifiable Data Breaches (NDB) scheme maintain currency 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 and Privacy Amendments (Enhancing Privacy Protection) Act 2012
- Ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations
- Regularly back-up personal and sensitive data from computers to protect personal information collected
- Ensure all computers are password protected and install security software- anti virus protection
- Ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations [regulation 183 (2)]
- Ensure the appropriate and permitted use of images of children
- Ensure all employees, students, volunteers, and families are provided with a copy of this policy
- Deal with privacy complaints promptly and in a consistent manner, following the Service's Grievance Policy and procedures
- 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 and confidential manner
- Ensure individual child and staff files are stored in a locked and secure cabinet
- Ensure information relating to staff employment will remain confidential and available only to the people directly involved with making personnel decisions
- Ensure that information shared with the Service by the family will be treated as confidential unless told otherwise.

#### **Nominated Supervisor**

- Adhere to Service's policies and procedures at all times
- Ensure Educators, staff, volunteers, and families are aware of the Privacy and Confidentiality Policy.
- Ensure the Service obtains written 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
- Ensure that information given to Educators will be treated with respect and in a confidential and 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 allergy information.
- 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.
- Ensure that information shared with us by the family will be treated as confidential unless told otherwise.

#### **Educators**

- Always read and adhere to the Privacy and Confidentiality Policy.
- Ensure documented information and photographs of children are kept secure but may be accessed 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
- 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.
- Ensure that information shared with the service 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 share information about the individual or service, management information, or other staff as per legislative authority.

#### **Families**

- Families are responsible for providing accurate and up-to-date information, respecting the privacy of other children, families, and staff, and adhering to the Service's procedures for sharing information.
- Families must also ensure that any personal information they share is only disclosed as necessary and in accordance with this policy.