



Privacy and Confidentiality Policy

Introduction:

Our preschool 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.

Aim: 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.

Implementation:

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.

The Approved Provider will:

Collection of Information

- Ensure that each family, staff, volunteers 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.toukleypreschoolkindergarten.org.au
- Ensure each staff member, committee members, volunteers 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 immunisation information, any other relevant medical and legal 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 and gain written approval.
- Provide families with information on the Complaints and Feedback procedure if any privacy or confidentially 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 Australian 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.
- Will ensure information provided by families, staff and committee members is only used for the purpose it was collected for.

Notifiable Data Breaches (NDB)

The Notifiable Data Breaches (NDB) scheme requires all businesses regulated by the Privacy Act (including education and care services) to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy Commissioner) and affected individuals of any data breaches (ie. data leaks) that are “likely” to result in “serious harm.”

◁ Should there be a NDB at our service, the approved provider will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected.

◁ A failure to notify that is found to constitute a serious interference with privacy under the Privacy Act may result in a fine of up to \$360,000 for individuals or \$1.8 million for organisations.

◁ Individuals at likely risk of serious harm will be notified promptly.

The Office of the Australian Information Commissioner must also be notified as soon as practicable through a statement about the eligible data breach.

The Nominated Supervisor will:

- 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 Education and Care 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 via the Privacy Collection Statement.

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

Storage of Information

The Nominated Supervisor will:

- Ensure that education and care service 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

The Nominated Supervisor 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.

Educators will:

- 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 (2016), the Education and Care Services National Regulations and the Australian Privacy Principles, 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 Statement as it relates to privacy and confidentiality of information.



Evaluation

All information pertaining to the education and care service, educators and families is maintained in a private and confidential manner in accordance with the Commonwealth Privacy Act 1988 and the Education and Care Services National Regulations.

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.

Legislative Requirements: Education and Care Services National Law

↪ Education and Care Services National Regulations: 168(2)(1), 181, 182, 183

↪ Australian Privacy Principles

↪ Privacy Act 1988 (Privacy Act)

↪ Australian Child Protection Legislation - <https://aifs.gov.au/cfca/publications/australian-childprotectionlegislation>

Links to National Quality Standard: National Quality Standard, Quality Area 7: Governance and Leadership - Standard 7.1 Element 7.1.2

Sources: ↪ ACECQA's Guide to the National Quality Framework - www.acecqa.gov.au/nqf/about/guide ↪ Australian Privacy Principles – www.oaic.gov.au

↪ Office of the Australian Information Commissioner – www.oaic.gov.au

↪ Privacy Act 1988 (Privacy Act) – www.oaic.gov.au/privacy-law/privacy-act

↪ Early Childhood Australia – www.earlychildhoodaustralia.org.au

Reviewed: June 2022



Confidentiality Policy – Attachment A

Privacy Collection

This service is committed to maintaining all personal information provided by its children, families, staff, management, volunteers, students and community in accordance with our Privacy policy and the Australian Privacy Principles.

Each family, staff, volunteers and student and committee member is provided with a privacy collection statement upon enrolment or commencement of employment.

This statement outlines the type of personal information collected by this service and how information is acquired, used and shared. We will not sell personal information to any third parties. See our full Privacy and Confidentiality policy for detailed information or contact the Nominated Supervisor on **4396 4707**.

What is personal information? How is it collected and why?

For Families:

What information is collected?	How we collect information?	Why we collect this?
Medical information, health and immunisation	<ul style="list-style-type: none">< Enrolment form< Australian Immunisation Record (AIR)< Health care cards – Medicare and health fund information< Administration of medication forms< Accident, Illness and Injury forms	To ensure the health and safety of every child and as a requirement under the Education and Care Services National Law and Regulations as well as state or territory specific legislation.
Income and financial details, includes credit card and banking information	<ul style="list-style-type: none">< Enrolment form< Fee payment and purchases	For the provision of the education and care service and as required under Family Assistance legislation and as per Funding Agreements with the state/territory Regulatory Authority and the Department of Education, Skills and Employment (DESE)
Contact details of family and emergency contact information	<ul style="list-style-type: none">< Enrolment form< Updated details form< Authorisation forms	Required under the Education and Care Services National Law and Regulations and to ensure the health and safety of every child
Children’s developmental records	<ul style="list-style-type: none">< Observations< Assessment of children’s learning< Programming documents< Communications with families	Required under the Education and Care Services National Law and Regulations, and to provide a high quality education and care service.



Family Assistance information, including child's name, CRN and D.O.B.	<ul style="list-style-type: none"> ◁ Enrolment form ◁ Complying Written Agreement (CWA) 	Required under the Family Assistance legislation and under employment legislation under Income Tax legislation.
Legal information	<ul style="list-style-type: none"> ◁ Enrolment form ◁ Court orders, AVOs or parenting plans 	Required under the Education and Care Services National Law and Regulations.
Employment, marital status and nationality/cultural background	<ul style="list-style-type: none"> ◁ Enrolment form 	Required under employment legislation and to provide priority of access state legislation.
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.	<ul style="list-style-type: none"> ◁ Enrolment form ◁ Authorisation forms ◁ Complaints records 	<p>Required under appropriate federal or state/territory funding legislation.</p> <p>Required under the Education and Care Services National Law and Regulations when amending, updating or adding service information via the NQA ITS, including:</p> <ul style="list-style-type: none"> ◁ Notification of complaints

For Educators:

What information is collected?	How we collect information?	Why we collect this?
Employment background and restrictions on working with children	<ul style="list-style-type: none"> ◁ Employment record ◁ Prohibition notice declaration for prospective staff members 	Required under employment legislation, to support the Approved Provider to not engage a person prohibited from working in an education and care service.
Working with children checks or equivalent, criminal history checks	<ul style="list-style-type: none"> ◁ Originals of documents 	Required under the Education and Care Services National Law and Regulations and state/territory specific child protection legislation.
Approved qualifications and/or evidence of 'actively working towards' approved qualifications	<ul style="list-style-type: none"> ◁ Staff Record ◁ Certified copies of documents from registered training organisations or universities ◁ Teacher registration documents ◁ Application, consent and designation of Nominated Supervisor, Responsible Person and Educational Leader positions. 	<p>Required under the Education and Care Services National Law and Regulations.</p> <p>Required under relevant state/territory teacher registration or accreditation legislation.</p> <p>Required by the Regulatory Authority when amending, updating or adding service information via the NQA ITS, including:</p> <ul style="list-style-type: none"> ◁ Applications for waivers



Compliance history	<ul style="list-style-type: none"> ◁ Compliance history statement form ◁ Employment record 	<p>Required to support the appointment of a person in day to-day charge or as Nominated Supervisor under the Education and Care Services National Law and Regulations.</p> <p>Required by the Regulatory Authority when amending, updating or adding service information via the NQA ITS, including:</p> <ul style="list-style-type: none"> ◁ Notifications of change to Nominated Supervisor ◁ Nominated Supervisor consent form
Staff entitlements	<ul style="list-style-type: none"> ◁ Payroll records ◁ Tax File Number 	Provision of entitlements.

For Volunteers/Students:

What information is collected?	How we collect information?	Why we collect this?
Contact details of volunteer/student and emergency contact information	<ul style="list-style-type: none"> ◁ Staff record – Volunteer or student ◁ Record of visitors to the service 	Required under the Education and Care Services National Law and Regulations.
Working with children checks or equivalent	◁ Originals of documents	Required under the Education and Care Services National Law and Regulations as well as state/territory specific child protection legislation.

For Board of Management:

What information is collected?	How we collect information?	Why we collect this?
Contact Details	◁ Board contact details form	<p>To distribute to staff and board members.</p> <p>Required under the Education and Care Services National Law and Regulations when amending, updating or adding Approved Provider information via the NQA ITS.</p>



		<p>Notifications include:</p> <ul style="list-style-type: none"> ◁ Assessment of fitness and propriety ◁ Amendment for Approved Providers, including updating persons with management and control ◁ Transfer or amendment of service approval ◁ Other Regulatory Authority requested information
Working with children checks or equivalent	◁ Originals of documents	<p>Required under the Education and Care Services National Law and Regulations when amending, updating or adding Approved Provider information via the NQA ITS.</p> <p>Notifications include:</p> <ul style="list-style-type: none"> ◁ Assessment of fitness and propriety ◁ Amendment for Approved Providers, including updating persons with management and control ◁ Transfer or amendment of service approval ◁ Other Regulatory Authority requested information

Personal information is information that personally identifies an individual, such as a name, residential or email address and includes information relevant to the enrolment process, credit card information, billing records, documentation of a child’s learning and development, and recorded information regarding complaints.

Publicly available information, such as information on a public website profile is not considered personal information.

This service only collects personal information when individuals specifically and knowingly elect to provide this, such as when individuals enrol a child in the service, pay fees or subscriptions, and provide health or family information to support the inclusion of a child.

Direct communications

This service uses individual’s personal information to send information by post, email or telephone. Individuals are provided with an opportunity to elect not to receive such information upon enrolment or through written notification to the service.

What happens with personal information?

This service will strive to let individuals know how any personal information will be used at the time of collection. Individuals will be asked if personal information can be used to establish contact with them regarding other aspects of organisational business. This service will not sell or trade individuals’ personal information to other third parties.



This service collects and uses personal information generally to provide individuals with the information and the services they request, to provide appropriate and relevant information pertaining to the education and care of a child/ren, and to continue to improve service quality.

Where is personal information stored?

Personal information is stored in a safe and secure manner, using locked filing cabinets or a password protected database and computer. Information is backed up electronically and securely stored. Data will not be altered or destroyed except in extraordinary circumstances.

Hard copy information is stored at the service, which is secured to prevent entry by unauthorised people. Any personal information not actively being used may be archived, in accordance with regulatory requirements.

Personal information will remain stored in accordance with the NQF record keeping requirements.

Access and updating personal information

Individuals may ask to access, update or delete personal information held about them at any time. Reasonable steps will be taken to verify an individual's identity before granting access, making any corrections to, or deleting information. If a customer wishes to make a complaint, please refer to the Complaints Policy.

Individuals requiring access to, or wanting to update personal information, can contact the service in person, call **(02) 43964707** or email **toukleypreschool@aapt.net.au**

Legislative Requirements: Children (Education and Care Services National Law Application) Act 2010

Education and Care Services National Regulations 2011

Links to National Quality Standard: 7 Governance and Leadership

Sources: Children (Education and Care Services National Law Application) Act 2010

Education and Care Services National Regulations

Privacy Act 1988 (Privacy Act) - <https://www.oaic.gov.au/privacy/the-privacy-act/>

CELA - <https://www.cela.org.au/>

Reviewed: Jul 2022