

Privacy & Confidentiality Policy

The right to confidentiality and privacy of the child and the family is outlined in Early Childhood Code of Ethics and National Education and Care Regulations. The right to privacy of all children, their families, educators and staff of Raleigh Street Community Children's Centre (Raleigh St) will be upheld and respected, whilst ensuring all children have access to high quality early learning education and care.

National Quality Standard (NQS)-

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.1	Service philosophy and purposes	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.

Education and Care Services National Regulations/Law-

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
168	Education and care services must have policies and procedures
181	Confidentiality of records kept by approved provider
181-184	Confidentiality and storage of records

Purpose-

To ensure the confidentiality of information and files relating to the children, families, staff, and visitors using Raleigh St is always upheld. We aim to protect privacy and maintain confidentiality by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records, making sure all records and information about individual children, families, educators, management and the Committee of Management (CoM) are held in a secure place and are only retrieved by or released to people who have a legal right to access this information.

Scope-

This policy applies to children, families, staff, management, the CoM, students, volunteers, and visitors.

Implementation-

All early childhood services are required to comply with Australian privacy law which includes the *Privacy Act 1988* (the Act) which was amended in February 2017, with changes taking effect on February 22, 2018.

The new law introduces a Notifiable Data Breaches (NDB) scheme that requires Early Childhood Services, Family Day Care Services, and Out of School Hours 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 that are “likely” to result in “serious harm.”

Businesses that suspect an eligible data breach may have occurred, must 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.

In order to comply, services/centres are required to follow the Australian Privacy Principles (APPs), which are contained in Schedule 1 of the *Privacy Act 1988* (Privacy Act).

In particular, the principles cover how personal information can be used and disclosed (including overseas), keeping personal information secure, and the open and transparent management of personal information.

The principles cover:

- the open and transparent management of personal information, including having a privacy policy
- an individual having the option of transacting anonymously or using a pseudonym where practicable
- the collection of solicited personal information and receipt of unsolicited personal information including giving notice about collection
- how personal information can be used and disclosed (including overseas)
- maintaining the quality of personal information
- keeping personal information secure
- right for individuals to access and correct their personal information

The APPs place more stringent obligations on APP entities when they handle 'sensitive information'. Sensitive information is a type of personal information and includes information about an individual's:

- health (including predictive genetic information)
- racial or ethnic origin
- political opinions
- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexual orientation or practices
- criminal record
- biometric information that is to be used for certain purposes
- biometric templates

Australian Privacy Principles (APPs):

APP 1 – Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 – Anonymity and Pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 – Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 – Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 – Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 – Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 – Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 – Cross-order disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 – Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier or use or disclose a government related identifier of an individual.

APP 10 – Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 – Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 – Access to personal information

Outlines an APP entity's obligations when an individual request to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 – Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

Raleigh St Management and the Committee of Management (CoM) will:

- provide all staff with relevant information regarding changes to law and Raleigh St policy
- ensure all staff understand the requirements under Australia's privacy law
- maintain currency with the Australian Privacy Principles
- 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
- ensure Raleigh St acts in accordance with the requirements of the Privacy Principles and *Privacy Act 1988* by developing, reviewing, and implementing procedures and practices that identify:
 - the name and contact details of Raleigh St
 - what information Raleigh St collects and the source of information
 - why the information is collected
 - who will have access to the information

- collection, storage, use, disclosure, and disposal of personal information collected by Raleigh St
- any law that requires the information to be collected
- adequate and appropriate storage for personal information collected by Raleigh St
- protection of personal information from unauthorised access
- ensure Raleigh St obtains consent from families and/or guardians of children who will be photographed or videoed by Raleigh St when they fill their enrolment on KidsXap
- 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 Raleigh St's Complaints and Grievance Policy and its outlined procedures
- ensure families only have access to the files and records of their own children
- ensure information given to staff will be treated with respect and in a professional and confidential manner
- ensure child and staff files are stored in a locked and secure cabinet
- ensure information relating to staff employment, student and volunteer files remain confidential and available only to the people directly involved with making personnel decisions (management and the CoM)
- ensure that information shared with Raleigh St by the families will be treated as confidential unless told otherwise
- this policy does not preclude Raleigh St from providing sensitive or personal information to third parties where required under law, such as the Victorian Police or Child Protection Authorities. In these instances, Raleigh St will ensure that it only provides information required by law

Staff will:

- read and adhere to the Privacy and Confidentiality Policy
- ensure Raleigh St has obtained consent from families and/or guardians of children who will be photographed or videoed by Raleigh St before you collect these images
- ensure documented information and photographs of children are kept secure but may be accessed at any time by the child's family or guardian
- ensure families/guardians only have access to the files and records of their own children
- ensure that information given to them 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/guardians of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand
- always maintain individual and service information and store documentation according to this policy and our Record Retention Policy
- not share information about the individual or service, management information, or other staff as per legislative authority

Personal information Raleigh St may request regarding children:

- Parent/family/guardian contact details
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records
- Developmental records and summaries
- External agency information
- Custodial arrangements
- Incident reports
- Medication reports
- Medical records
- Permission forms

Personal information Raleigh St may request regarding staff:

- Personal details
- Tax information
- Working contract
- Emergency contact details
- Medical details
- Immunisation details
- Working with children check
- Qualifications
- Medical history
- Resume
- Superannuation details
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates

The Committee of Management (CoM)-

The CoM are responsible for the management and storage of Raleigh St's public records in accordance with the provisions outlined in the *Public Records Act 1973*, and it is vital these records be maintained and kept for the period specified in the Public Record Office Victoria Disposal Schedules. These records contain evidence of your Committee's business decisions and Raleigh St's operational transactions.

The Committee of Management records are also subject to the provisions outlined under the *Freedom of Information Act 1982 (Vic)*, the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)*.

Darebin City Council provides archival storage to children's services within the Darebin municipality to enable services to archive their records as outlined in Standards PROS09/05 and PROS07/01. Council stores its archival records with a Public Record Office Victoria approved secondary storage vendor Grace Records Management.

Sources-

- 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
- 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. (2017). Office of the Australian Information Commission – Australian Privacy Principles: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>
- Privacy Act 1988
- Revised National Quality Standard. (2018)
- United Nations Convention of the Rights of a child

Review-

Date reviewed	Modifications	CoM endorsement date	Next policy review date
July 2019	Policy created for RSCCC based on CC Desktop template- KC	April 2021	April 2024