

Confidentiality and Privacy Policy

1. Aim

A Documented approach to access and participation; approach to encouraging secure, respectful and reciprocal relationships; approach to professionalism, confidentiality and ethical conduct.

The centre protects the privacy, dignity and confidentiality of individuals by ensuring that all records and information about individual children, families, staff and management is treated with discretion and kept in a secure place and only accessed by or disclosed to those people who need the information to fulfil their responsibilities at the centre or have a legal right to know.

2. Legislative Requirements

Laws relating to protection of privacy and confidentiality; duty of confidentiality arising from contract with parent; to whom and when information must be disclosed

Privacy Act 1988 {Cth.}

Education and Care Services National Law Act (WA) 2012

Education and Care Services National Regulations 2012

168 Education and care service must have policies and procedures

(1) The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in sub regulation (2)

(2) Policies and procedures are required in relation to the following –

(L) Governance and management of the service, including confidentiality of records.

National Quality Standard:

7.3 Administrative systems enable the effective management of a quality service.

3. Who is affected by this policy?

- Children
- Families
- Staff
- Management

4. Implementation

The Nominated Supervisor and all Staff will:

- Personal information will only be collected in so far as it relates to the service's activities and functions, and in line with relevant legislation.
- Collection of personal information will be lawful, fair, reasonable and unobtrusive.
- Individuals who provide personal information will be advised of: the name and contact details of the service; the fact that they are able to gain access to their information; why the information is collected; the organisations to which the information may be disclosed; any law that requires the particular information to be collected; and the main consequences for not providing the required information.
- Parents will be notified of the time for which particular records are required to be retained under the Regulations.
- The use or disclosure of personal information will only be for its original collected purpose, unless the individual consents or unless it is needed to prevent a health threat, or is required or authorised under law.
- The service will take steps to ensure the personal information collected, used or disclosed, is accurate, complete and up to date. Parents will be required to update their enrolment details annually, or whenever they experience a change in circumstances. Computer records will be updated as soon as new information is provided.
- Personal information will be kept in a secure and confidential way, and destroyed by shredding or incineration, when no longer needed.
- Individuals will be provided with access to their personal information and may request that their information be up-dated or changed where it is not current or correct.
- Individuals wishing to access their personal information must make written application to the Supervising Officer, who will arrange an appropriate time for this to occur. The Supervising Officer will protect the security of the information by checking the identity of the applicant, and ensuring someone is with them while they access the information to ensure the information is not changed or removed without the Supervising Officer's knowledge.
- The Supervising Officer will deal with privacy complaints promptly and in a consistent manner, following the centre's Grievance Procedures. Where the aggrieved person is dissatisfied after going through the grievance process, they may appeal in writing to "The Director of Complaints, Office of the Federal Privacy Commission, GPO Box 5218, Sydney

NSW 1042, or phone the Commissioner's Hotline on 1300 363 992. (Privacy Act 1988).

(Refer to Privacy Act Checklist – this section)

- Every employee and the Operator is provided with clear written guidelines detailing:
 - what information is to be kept confidential and why
 - what confidential information they may have access to in order to fulfil their responsibilities and how this information may be accessed.
 - who has a legal right to know what information.
 - where and how the confidential information should be stored.
- Every employee and the Operator are required to sign a Confidentiality Statement. (See Model Confidentiality Statement – this section).
- Every enrolling parent/guardian is provided with clear information about:
 - what personal information is kept, and why.
 - Any legal authority to collect personal information.
 - third parties to whom the service discloses such information as a usual practice.
- Visual images of enrolled children will not be taken, recorded, removed from the centre, or used for any purpose without the written consent of the parent, except where visual images are used within the service for monitoring of an enrolled child, or visual images are taken by a licensing officer acting in the course of his/her duties, in which case only the parent and authorised staff will have access to the images. To protect children's privacy visual images of children will not be transmitted on the internet or by email at any time. Parental consent will be given or denied on the child's enrolment form.
- Confidential conversations that staff have with parents, or the Supervising Officer has with staff members will be conducted in a quiet area away from other children, parents and staff. Such conversations are to be minuted and stored in a confidential folder.
- Personnel forms and employee information will be stored securely. (Workplace Relations Act 1996).
- Applicants, students or volunteers will be informed that their personal information is being kept, for what reason, for how long, and how it will be destroyed at the end of the time period.
- Applicants will be asked for their consent before their references are checked. Unsuccessful applicants will be advised of when and how their personal information will be destroyed.
- Information about staff members will only be accessed by the Supervising Officer, Staff Liaison Officer/Operator and individual staff member concerned. (Workplace Relations Act 1996.)
- All matters discussed at committee meetings will be treated as confidential. (Privacy Act 1988.)
- No member of staff may give information or evidence on matters relating to children and/or their families, either directly or indirectly, to anyone other than the responsible parent/guardian, unless prior written approval by the responsible parent/guardian is obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law. Notwithstanding these requirements, confidential information may be exchanged in the normal course of work with other staff members at the Centre and may be given to the Operator, when this is reasonably needed for the proper operation of the Centre and the wellbeing of users and staff.
- Staff are aware of the need for sensitivity and confidentiality in handling information regarding child protection issues.
- Reports, notes and observations about children must be accurate and free from biased comments and negative labelling of children.
- Staff will protect the privacy and confidentiality of other staff members by not relating personal information about another staff member to anyone either within or outside the centre.
- Students/people on work experience/volunteers will not make staff/children or families at the centre, an object for discussion outside of the centre (eg. college, school, home etc.), nor will they at any time use family names in recorded or tutorial information.
- Students/people on work experience/volunteers will only use information gained from the Centre upon receiving written approval from the Centre to use and/or divulge such information, and will never use or divulge the names of persons.
- If a primary school age enrolled child attends a care session there will be at least one toilet that provides privacy and is not used by staff members, for each 15 school age enrolled children.

5. Sources

Education and Care Services National Law (WA) Act 2012

Education and Care Services National Regulations 2012

National Quality Standard

Early Years Learning Framework for Australia

Privacy Act (1988)

6. Review

The policy will be reviewed biannually. Review will be conducted by manager, employees and any interested parties.