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## PRIVACY AND CONFIDENTIALITY POLICY

### QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

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#### National Quality Standard (NQS)

Quality Area 7: Governance and Leadership		
7.1	<b>Governance</b>	Governance supports the operation of a quality service
7.1.1	<b>Service philosophy and purposes</b>	A statement of philosophy guides all aspects of the service's operations
7.1.2	<b>Management Systems</b>	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.1.3	<b>Roles and Responsibilities</b>	Roles and responsibilities are clearly defines, and understood and support effective decision making and operation of the service
7.2	<b>Leadership</b>	Effective leadership builds and promotes a positive organisational culture and professional learning community

#### Education and Care Services National Regulations

Children (Education and Care Services) National Law	
<b>168</b>	Education and care services must have policies and procedures
<b>181</b>	Confidentiality of records kept by approved provider
<b>181-184</b>	Confidentiality and storage of records

### Introduction

To preserve private files of children, families, staff and visitors using the Service. We aim to protect the privacy and confidentiality by ensuring continuous improvement on our current systems use, storage and disposal of records, ensuring that all records and information about individual children, families, educators and management are preserved in a secure place and only released to people who need the information to fulfil their responsibilities at the service or have legal obligation to distinguish.

Websites and social media sites can provide information to all potential clients on what Woden Early Childhood Centre (WECC) offers. The website is maintained by WECC in conjunction with Canberra Web and can support families to make informed decisions about education and care and find out whether WECC may suit their requirements. Families are also able to gain contact information or request further information through

emails. Social media may be utilised to support enrolled families to communicate and share information. Further information on this can be found in our *Privacy Online* policy.

Note: Personal information is any information or opinion, whether true or not, that identifies you.

## Scope

This policy applies to children, families, staff, management and visitors of the Service.

## Goals – What are we aiming to do?

WECC respects the privacy of educators, children and families.

The Nominated Supervisor or Director will:

- comply with Australian privacy law which includes the Privacy Act 1988 (Appendix 1)
- ensure that information about the child and their family is only disclosed in accordance with this policy
- ensure that all personal information is stored safely and securely
- maintain private and confidential files for educators, children and their families
- keep personal information accurate, relevant and up-to-date
- develop systems for the appropriate use, storage and disposal of records
- ensure the information is used and shared only for the education and care of the child enrolled in WECC and only shared with relevant or authorised people as defined within authorisations of the *Education and Care Services National Regulations*

## Strategies – How will it be done?

*Why we collect use and disclose your information*

- we collect, use and disclose information to provide education and care services. This includes:
  - processing enquiries and applications for enrolment
  - providing education and care services
  - providing you with information about WECC and the education and care we provide
  - providing you with information about WECC and the employment opportunities we have
  - managing application from individuals seeking to work at WECC

We will only collect personal information that is reasonably necessary for us to fulfil our functions or activities. As an approved education and care provider, some personal information we are required to collect under law, under the Education and Care Services National Law and the Education and Care Services National Regulations, Family Assistance legislation and Public Health legislation

The Nominated Supervisor or Director will:

- provide staff and educators with relevant changes
- make sure all relevant staff understand the requirements under Australia's privacy law
- keep up to date 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 Services National Regulations
- ensure the service 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 the services;

- what information the services collect 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 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
- ensure the appropriate use of images of children
- ensure all employees, students, volunteers and families are able to access this policy
- deal with privacy complaints promptly and in a consistent manner, following our *Grievance Policy*
- 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 manner
- children and staff files are stored in a locked and secure cabinet
- ensure information relating to staff employment will remain confidential to the people directly involved with making personal decisions
- information shared with us by the family will be treated as confidential unless told otherwise
- adhere to centre policies and procedures
- ensure educators, staff, volunteers and families are aware of the *Privacy* policy
- ensure the service obtains consent from parents and/or guardian of children who will be photographed or videoed by the service
- ensure only necessary information regarding the children's day to day health and wellbeing is given to non-primary contact educators e.g. food allergies
- will 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.

Responsible Persons and Staff will:

- read and adhere to this policy at all times
- ensure recording information and photographs of children are kept secure and may be required 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 and in a professional manner
- will not discuss individual children with people other than the family of that children. except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand
- information shared with us 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 to share information about the individual or service, management information, or other staff as per legislative authority

Personal information WECC may request in regard to children:

- parent contact details
- emergency contact details and person authorised to collect individual children
- children's health requirements
- immunisation records
- developmental records and summaries
- external agency information
- custodial arrangements
- incident reports
- medication reports
- Child Care Subsidy (CCS) information

- health cover details
- medical records
- permission forms

Personal information WECC may request in regard to families:

- contact details (name, address, email and telephone numbers)
- date of birth
- Medicare details
- relationship to the child
- financial information
- employment details
- health cover details
- CCS information
- information pertaining to child custody and access arrangements
- additional emergency contact details (name, address, relationship to the children, telephone, date of birth)

Personal information WECC may request in regard to staff:

- personal details
- tax information
- working contact
- 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

#### *Disclosure of personal information*

We only collect personal information that is reasonably necessary for us to fulfil our functions and activities. We will disclose the personal information we collect for the purpose we collect it, or for a secondary purpose that is reasonably expected or related to the purpose that we collected it. Staff and volunteers at WECC sign a confidentiality statement prior to engagement with us.

We may disclose personal information to the ACT Regulatory Authority, as required by the Education and Care Services National Law and the Education and Care Services National Regulations or in accordance with child protection or other laws.

With your consent, WECC may disclose your personal information or your child's personal information to individuals or agencies. For example, we may seek your consent to disclose information to inclusion support workers or medical staff. In the event of an emergency, if we are unable to contact you, we may disclose information about you or your child to a registered medical practitioner or emergency service.

We may disclose your personal information to companies that assist us with our business, such as:

- North Belconnen Community Association (NBCA) administration team who handle the bookkeeping of

#### WECC

- credit report bodies
- legal representatives

#### *Storing personal information*

WECC is committed to protecting the personal information we hold. We use a range of security measure to protect personal information.

Non-current records will be archived and stored according to the requirements under the Education and Care Services National Law and the Education and Care Services National Regulations and in accordance with our *Record Management* policy (Appendix 2)

#### *Access to your personal information*

You can request access to the personal information. To access your personal information, you should contact the Nominated Supervisor or Director.

We will provide you with access to your personal information, or information we may hold about your child, except where not permitted under the Australian Privacy Principles. These exceptions include:

- where we believe that giving access would pose a serious threat to the life, health or safety of an individual
- giving access would unreasonably impact on the privacy of another person
- where giving access would be unlawful

If we refuse to give access because of one of the exceptions under the Australian Privacy Principles, we will let you know in writing the reasons why

#### *Correction of your personal information*

Re-enrolling families will be asked to update their details at the beginning of each new calendar year. Regular reminders will be sent via email to families asking for details to be updated.

If you believe any information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, please let us know and we will take all reasonable steps to correct the information.

#### *Website*

Our website address is: <https://wodenchildcare.com.au>

Our website may contain links to other websites, such as OWNA – <https://owna.com.au> Please be aware that we are not responsible for any privacy practices of other sites. These websites may collect data about you, use cookies, embed additional third-party tracking, and monitor your interaction with that embedded content, including tracking your interaction with the embedded content if you have an account and are logged in to that website. When you go to other websites from WECC, we advise you to be aware and read their privacy policy.

#### *Concerns and complaints*

If you have any concerns about how we are handling your personal information, or if you would like to make a complaint, please refer to our *Complaints and Feedback* policy. We will try to resolve the issue with you directly.

If you are unhappy with our response you can complain to the Privacy Commissioner at the Office of the Australian Information Commissioner. More Information and how to contact the Privacy Commissioner can be found at <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

## Evaluation

The right to privacy of a child and the family is outlined in the Early Childhood Australia (ECA) Code of Ethics and National Education and Care Regulations. We will respect the privacy of children and their parents and educators, while ensuring that they access high quality education and care in WECC

## Related policies /documents

- *Authorisations*
- *Code of conduct*
- *Complaints and feedback*
- *Confidentiality*
- *Email retention and archiving*
- *Enrolment, orientation and termination*
- *Privacy and confidentiality statement*
- *Privacy online*
- *Record management*
- *Social media*

## Statutory legislation and considerations

- Education and Care Services National Law
- Education and Care Services National Regulations
- Privacy Act 1988
- Privacy Amendment Private Sector Act 2000
- Privacy and Personal Information Protection Act 1998
- Children and Young Persons (Care and Protection) Act 1998

## Sources and references

- Australian Privacy Law - <https://www.oaic.gov.au/privacy-law/>
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations
- ECA Code of Ethics
- How to make a Privacy Complaint - <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>
- Australian Privacy Principles – <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

## Authorisation

Meng Wang  
 President  
 2018-19 WECC Management Committee

Privacy Act 1988 which was amended in February 2017, with the changes taking effect on February 22<sup>nd</sup>, 2018.

The new law introduces a Notifiable Data Breaches (NDB) scheme that requires Early Childhood 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 with the Privacy Act, services 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 including having a privacy policy.

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
- memberships 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 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 that personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose if 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 requests 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



Appendix 2

Types of information that are required to be archived and for what period of time

<b>Record relates to:</b>	<b>Period record must be kept</b>
Incident, illness, injury or trauma suffered by a child while being educated and cared for at WECC	Until the child is twenty-five (25) years old
Incident, illness, injury or trauma suffered by a child may have occurred following an incident while being educated and cared for at WECC	Until the child is twenty-five (25) years old
Medication taken by a child while being education and cared for at WECC	Until the child is twenty-five (25) years old
The death of a child while being educated and cared for by WECC, or that may have occurred as a result of an incident while being educated and cared for	Until the end of seven (7) years after the death
Any other record relating to a child enrolled at WECC	Three (3) years after the last date of attendance
Employee/educators information, such as performance reviews and Working with Vulnerable People checks	Three (3) years after the last date on which the Nominated Supervisor or employee provided education and care on behalf of WECC
Sign in and out timesheets for families and families' Child Care Subsidy (CCS) records	Three (3) years after the last date of the child's attendance
Records relating to the Approved Provider	Three (3) years after the date on which the Approved Provider operated WECC
Records relating to the Nominated Supervisor or Director	Seven (7) years after the last date on which the Nominated Supervisor or Director provided education and care on behalf of WECC
Tax and financial information	Seven (7) years
Worker's compensation forms	Indefinably