

A-15 Privacy and Confidentiality

National Quality Standards (NQS)

2.2	Each child is protected.
7.1	Governance supports the operation of a quality service.
7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

Education and Care Services National Regulations

Reg. 111	Administrative space
Reg. 158	Children's attendance record to be kept by approved provider
Reg. 160	Child enrolment records to be kept by approved provider and family day care educator
Reg. 161	Authorisations to be kept in enrolment record
Reg. 162	Health information to be kept in enrolment record
Reg. 168	Education and care service must have policies and procedures
Reg. 170	Policies and procedures to be followed
Reg. 181	Confidentiality of records kept by approved provider
Reg. 183	Storage of records and other documents

Policy Statement

We ensure that all personal information remains confidential. Parents and staff will be informed as to what and how personal information is collected and its use and storage. Information will be disclosed to appropriate persons and bodies as required under legislation only. The privacy of all persons will be respected at all times

Related Policies

- Acceptance and Refusal of Authorisations Policy
- Allergies Policy
- Anaphylaxis Management Policy
- Arrival and Departure Policy
- Asthma Management Policy
- Child Protection Policy
- Complaints & Feedback Policy
- Dealing with Medical Conditions Policy
- Diabetes Management Policy

- Enrolment and Orientation Policy
- Family Participation & Communication Policy
- Immunisation Policy
- Maintenance of Records Policy
- Management of Injury, illness, and Trauma Policy
- Role of Management Committee Policy
- Staff Orientation and Induction Policy
- Staff Professionalism and Code of Conduct Policy
- Storage

Procedure

No information is to be given out without written authority from the parent or legal guardian. The only exceptions will be for legal or operational reasons, such as for use by the Management Committee, the Service Administrators, Police or the Department of Communities and Justice (DCJ).

Confidential information, such as enrolment forms, will be stored in a secure, lockable cabinet which is only accessible to staff. These cabinets will be locked during times when the service is not open (including overnight). This information is also kept electronically, stored and backed up securely by the Service Administrators.

Staff / Committee contact details, phone numbers, addresses etc. will not be given out without their consent. In the event that someone needs to contact a staff or Committee member, a message will be forwarded to the appropriate persons to contact them back.

Confidential discussions between stakeholders

Should a confidential matter be raised at a staff or Management meeting, personal details will be omitted where possible. Participants will not disclose the contents of these matters after the close of the meeting with others who were not present. Where a confidential matter is to be discussed, the Committee may request any interested members who attended the meeting leave whilst this discussion is had.

Any information given in confidence to a staff member should remain between that member of staff and the Director. If the Director considers this information may impact on the wellbeing of any child or staff member at the Centre, then the information will be discussed with the President, and action decided upon. Where the matter refers directly to Child Protection, the Director or staff member may choose to make the decision to report without consulting the President (see Child Protection Policy).

Communications between staff and families regarding issues of a personal nature will be treated confidentially at all times. Where possible these communications will be conducted privately and respecting the sensitivity of the situation. Appointments may be made with staff and Management to discuss issues if required.

Where sensitive information is collected or emailed to committee members for discussion pertinent to the running of the centre (e.g. Financial Hardship), the information will be sealed and stored in a confidential manner, once dealt with. At this point, all Committee Members and interested parties involved in the discussion will be asked to remove any emails etc. relating to the situation.

Confidentiality will be taken seriously within the service. A professional approach will be utilised at all times. This will be discussed with all staff in the Centre on employment. Any failure to meet these confidentiality requirements will result in utilisation of the disciplinary policy.

Information collected on enrolment

Relevant information and children's details will be collected as per Regulation 160 of the *Education and Care Services National Regulations 2011*. This includes:

- the full name, date of birth and address of the child
- the name, address and contact details of:
 - each known parent of the child
 - any person who is to be notified of an emergency involving the child if any parent of the child cannot be immediately contacted
 - any person who is an authorised nominee
 - any person who is authorised to consent to medical treatment of, or to authorise administration of medication to, the child
 - any person who is authorised to authorise an educator to take the child outside the education and care service premises
- details of any court orders, parenting orders or parenting plans provided to the approved provider relating to powers, duties, responsibilities or authorities of any person in relation to the child or access to the child
- details of any other court orders provided to the approved provider relating to the child's residence or the child's contact with a parent or other person
- the gender of the child
- the language used in the child's home
- the cultural background of the child and, if applicable, the child's parents
- any special considerations for the child, for example any cultural, religious or dietary requirements or additional needs
- the relevant health information set out in regulation 162:
 - the name, address and telephone number of the child's registered medical practitioner or medical service
 - if available, the child's Medicare number
 - details of any specific healthcare needs of the child, including any medical condition, allergies, whether the child has been diagnosed as at risk of anaphylaxis
 - any medical management plan, anaphylaxis medical management plan or risk minimisation plan to be followed with respect to a specific healthcare need, medical condition or allergy
 - details of any dietary restrictions for the child
 - the immunisation status of the child

- Client Reference Number (CRN) of registered parent/guardian and the children using the service

The service may also collect relevant information on individual children's developmental needs, interests and significant dates for programming purposes and permissions to photograph children and display these.

All information collected on enrolment will be kept confidential and stored in a secure, lockable cabinet which is accessible by staff.

Information will be shared with the Service Administrators for the purpose of service operations. This information is also kept electronically, stored and backed up securely by the Service Administrators.

Additional information collected by the service

The following information will be collected during the operation of the Centre:

- Photographs including personal identification photos for children with asthma, allergies, anaphylaxis or other medical conditions
- Incident reports which will include accident, injury, illness or trauma
- Financial records concerning fees collection
- Financial records concerning Child Care Subsidy
- Medication details for administration of medication and monitoring of any side effects

Information collected relating to staff members

The following information will be collected at staff induction:

- Personal information including name, gender, date of birth, residential address, emergency contact names and phone numbers, relevant identification documents and email address
- Financial information including bank details, superannuation and tax file number (paid staff only)
- Contract of employment
- Working with Children Check clearance certificate (paid workers only)
- Resume including references
- Certificates with regard to relevant qualifications of courses completed
- Medical Restrictions

The following information will be collected during employment at the Centre:

- Staff appraisals for managing staff development
- Grievance information
- Payroll/timekeeping records
- Details of wage and salary earnings (weekly and year to date)
- Group certificates
- Records of long service leave
- Records of annual leave, Personal / carers leave (permanent staff only)

- Termination records (and final payment details)
- Training records for the planning of staff development

Information will be shared with the Service Administrators for the purpose of service operations.

Information collected relating to Committee Members

The following information will be collected upon appointment to the Management Committee:

- Personal information including name, gender, date of birth, residential address, relevant identification documents and email address
- Working with Children Check clearance
- Police Check

This information is submitted to ACECQA and the Service Administrators for the purpose of service operations.

Parents and staff may access their personal records and documentation upon request for the purpose of ascertaining whether the Centre holds accurate personal information relating to them.

As the Centre collects most personal information directly from the individual or their legal guardian, it is reasonable to assume that individual is aware that the information is held by the Centre and that the information is accurate at the time it is collected.

The Centre will not use personal information for any purpose other than the reason it was collected, unless the individual concerned provides consent. It will not disclose personal information unless it is to prevent a threat to the life or health of an individual as per the *Children and Young Persons (Care and Protection) Act 1998* or is required for legal proceedings in progress.

Procedures related to storage and maintenance of all records are detailed in the Maintenance of Records Policy.

Sources

- Children and Young Persons (Care and Protection) Act 1998
- Education and Care Services National Regulations 2011
- Health Records and Information Privacy Act 2002
- National Quality Standard – Australian Children’s Education and Care Quality Authority
- Privacy Act 1988

Date Endorsed: 26/05/2023

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Version Control			
Version	Changes Made	Initiated By	Director Sign-off
v.2.202305	- Added employment contract for casual staff	Committee	
v.2.202207	- Updated Related Policies	Staff	

	- Updated NQS		
V2.202105	- Added Child Protection Policy as a related policy	Staff	
v.2.201905	<ul style="list-style-type: none"> - Updated links to NQS, National Regulations - Removed reference to <i>Privacy and Personal Information Protection Act 1998</i> as not relevant - Added paragraph on conversations between stakeholders - Added further detail on information collected at enrolment - Added paragraph on additional children’s information collected - Added paragraph on staff details collected on orientation and throughout employment - Added paragraph on Committee information and details collected 	<ul style="list-style-type: none"> Staff Legislation Staff Legislation Staff Staff Committee 	