



Date Adopted

July 2015

Review Date

July 2016

Relevant Legislation & Standards

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

Education and Care Services National regulations 2011: 181

National Quality Standard: 7.3.5

Australian Privacy Principles (2014) ([www.oaic.gov.au/privacy/privacy-act/national-privacy-principles](http://www.oaic.gov.au/privacy/privacy-act/national-privacy-principles))

Aim / Policy Statement

Goulburn Pre-School acknowledges and respects the importance of privacy and confidentiality as an individual right and as a basis for building partnerships. Our service requires personal information from families to provide appropriate and responsive care to the enrolled child. Personal information will also be required upon enrolment to meet the DEC Funding requirements in the Data Collection Process. Goulburn Pre-School will comply with the Australian Privacy Principles (2014) and maintain the highest standards in the protection and preservation of privacy and confidentiality.

Goals

Goulburn Pre-School will:

- Maintain private and confidential files for employees, children and their families. We will develop systems for the appropriate use, storage and disposal of records.
- Ensure the information in these files is only used for the education and care of the child enrolled in the service, and only shared with the relevant or authorised people as defined in the *Education and Care Services National Regulations*.

Strategies

Goulburn Pre-School aims to meet these goals through the implementation 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 access to the Privacy Collection Statement upon enrolment or commencement of employment. The Privacy Collection Statement will include details about how personal information can be accessed, have corrected as needed or make a complaint about a breach of privacy if this occurs.
- Ensure each staff member, committee members, volunteers and student information is correct in appropriate files. This includes:
  - Qualifications
  - Current Working With Children Check
  - Criminal History Check (where applicable)
  - Staff Entitlements
  - Contact and Emergency Contact Information
  - Health and immunisation records
  - Other relevant medical information (allergy, illness, medications required)
  - Applicable legal information
  - Other relevant information as collected by Goulburn Pre-School.
- Ensure that information collected from families, staff members, 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 ways outlines 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 a 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 on the internet and / or publications.
- Provide families with information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. Individual can make a complaint to the Approved Provider (Management Committee) if they believe there has been a breach of their privacy in relation to the 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. In the instance 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 Goulburn Pre-School Complaints and Feedback policy and procedure.
- Will ensure information provided by families, employees and committee members is only used for the purpose it is collected for.

***The Nominated Supervisor will:***

- Ensure each family's information is correct in enrolment records. This includes information on:
  - immunisation records;
  - family contact information and emergency contacts;
  - Medical Information (including relevant action plans);
  - Relevant legal information (e.g family court documentation);
  - Developmental information or reports;

- Proof of eligibility for fee subsidy (e.g. low income health care card);
- Proof of child's identity.
- Provide families with details on the collection of personal information collected which will include:
  - the types of information collected by Goulburn Pre-School;
  - the purpose of collecting the relevant information;
  - the information that will be disclosed to the public or other agencies and when the disclosures will take place;
  - how the information is stored at Goulburn Pre-School;
  - methods implemented to secure the information;
  - who has access to the information;
  - the length of time the information needs to be archived; and
  - how the information is destroyed.
- Will ensure the information provided by families and employees is only used for the purpose it was collected for.

### ***Storage of Information***

- Ensure that Goulburn Pre-School records, personnel records and children and families information is stored securely reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the Pre-School environment at all times.

### ***Access to Information***

- Will ensure information that is 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 and Communities 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 the information in writing from the Nominated Supervisor. Authorised persons may request information kept on their child.
- Access to 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 (2008)*, the *Education and Care Services National Regulations* and the *Privacy Legislation*, educators and staff employed by Goulburn Pre-School 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 Goulburn Pre-School, 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*.

### Resources and Attachments

- Community Child Care Co-operative – Privacy and Confidentiality Sample Policy
- Early Childhood Australia – ECA Code of Ethics  
[www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)
- Goulburn Pre-School Philosophy
- Education and Care Services National Regulations
- Children and Young Persons (Care and Protection) Act 1998
- Australian Privacy Principles – [www.oaic.gov.au](http://www.oaic.gov.au)
- Office of the Australian Information Commissioner – [www.oaic.gov.au](http://www.oaic.gov.au)
- Privacy Act 1988 (Privacy Act) – [www.oaic.gov.au/law/act](http://www.oaic.gov.au/law/act)

#### Links to other Policies and Procedures:

- Child Protection
- Staff Code of Conduct
- Privacy Online Policy
- Application for Enrolment / Enrolment Forms
- Staff Detail Forms
- Management Committee Forms
- Working With Children Check
- Permission for Personal Information – Children and Employees (DEC Funding Agreement Attachment 1 an 2).