

1.6 Privacy and Confidentiality

Background

Effective partnerships with all stakeholders are central to the provision of high quality education and care for children. These partnerships are based on trust and are demonstrated by open and honest communication that is respectful of, and sensitive to, cultural or other differences.

The communication needed in high quality childcare can only be achieved when stakeholders are convinced that the privacy and confidentiality of the information they provide are upheld.

The Centres are obliged to keep the following records:

- Enrolment form
- Developmental records
- Consent forms
- Medication records
- Account records
- Attendance records
- Childcare Benefit records
- Childcare Benefit claims
- Court Orders affecting child.
- Photos

Policy statement

This Policy outlines the Service's practices in maintaining the privacy and confidentiality of all records and information about individual children, families, parents, staff/educators students and volunteers in the Service.

Strategies and practices

- The Service collects, stores, discloses, and disposes of all personal information according to the National Privacy Principles contained in the *Privacy Act 1988 (Commonwealth)* and all other relevant legislation. QA 7.1.1, 7.3.1
- The Service only collects personal information that is necessary to deliver high quality education and care to the children enrolled in the Service, for related activities, and to meet its regulatory responsibilities. QA 6.1.1, 7.1.1
- Anyone requested to provide personal information to the Service is informed of the following:
 - the information required;
 - why the information is required;
 - the legislation that requires the information to be collected;

- how the information will be used;
 - who will access the information;
 - under what conditions the information would be disclosed to a third party; and,
 - the main consequences, if any, of not providing all or part of the information requested. QA 7.1.1
- Personal information about an individual is gathered directly from that person unless the Service has obtained the person's prior consent (e.g. reference checks). If the information pertains to a child (e.g. inclusion support agency, speech therapist), prior written permission is obtained from the parent). QA 7.1.1
 - Collection of personal information will be lawful, fair and not unreasonably obtrusive. QA 7.1.1
 - Personal information is kept in a safe and secure place, retained for the period set out in the Regulations, and destroyed when no longer needed. Paper files are stored in locked cabinets and electronic data on computers protected by passwords. QA 7.3.1
 - The Service provides all staff/educators, students and volunteers with verbal and written information about privacy and confidentiality laws, and about their responsibilities in handling personal information. QA 4.2.1, 7.1.2
 - Staff/educators, students and volunteers are informed of this *Privacy and Confidentiality Policy* and are given the opportunity to clarify their understanding of the Policy before commencing at the Service. They are required to sign a Confidentiality Agreement to strictly adhere to the Policy. QA 7.1.2
 - Confidential information is exchanged between educators when required in the normal course of work at the Service to meet the education and care needs of children. However, educators are not otherwise permitted to divulge any information about a child to anyone other than the parent, nor about the child's family to anyone, without the prior written approval of the parent. The exception to this is a demand under an Act or law. QA 4.2.1, 5.2.3, 7.1.1
 - Educators will maintain the privacy and confidentiality of other educators by not relating personal information about them to anyone either within or away from the Service. QA 4.2.1
 - Students/Volunteers are not permitted to remove any Service documents or to use information gained at the Service without the Nominated Supervisor's written consent. They are not permitted to discuss children attending the Service, the families or the educators away from the Service (e.g. TAFE, training organisations), or to use their names in any assignments. QA 7.1.1, 7.3.1
 - The Service ensures the personal information collected, used or disclosed, is accurate, complete and up-to-date. Enrolment details are updated annually or whenever a change in circumstance occurs. Similarly, staff details are updated as changes occur. QA 7.3.1
 - Individuals can apply in writing to access the personal information they have provided to ensure its accuracy, completeness and currency. The Nominated Supervisor will arrange a suitable time for this access and will remain with the individual for the duration. (Access to

information beyond that provided by the individual is subject to Freedom of Information processes.) QA 7.1.1

- Educators are to ensure they document information about children’s learning and development accurately, inclusively, sensitively and respectfully. QA 1.2.1, 4.2.1
- The Service provides a quiet area for confidential conversations (e.g. between parents and educators, the Nominated Supervisor and educators). QA 3.1.1
- The name and contact details of the Approved Provider are displayed in the entrance of the Service and are contained in the Parent Handbook. QA 7.3.1
- The Nominated Supervisor/Approved Provider adheres to the Service’s *Complaint Policy* when responding to complaints about privacy and confidentiality matters. Should any issue remain unresolved, the Nominated Supervisor/Approved Provider advises the complainant of their right to lodge an appeal with the Office of the Australian Information Commissioner, GPO Box 5218 Sydney 1042 or GPO Box 2999 Canberra ACT 2601, or to telephone the Office of the Australian Information Commissioner on 1300 363 992. QA 4.2.1, 7.3.4

Responsibilities of parents

- To immediately raise any concerns about the Service’s management of privacy and confidentiality with the Nominated Supervisor/Approved Provider.

Links to other policies

- Educational Program Policy
- Enrolment and Orientation Policy
- Interactions with Families Policy
- Programming Policy
- Professionalism and Ethics Policy

Sources

- Education and Care Services National Regulations 2011.
- Freedom of Information Act 1989 (Commonwealth)
- Guide to the National Quality Standard 2011
- The Australian Privacy Principles (APPs), which are contained in schedule 1 of the *Privacy Act 1988* (Privacy Act),

Further reading and useful websites

- Office of the Australian Information Commissioner. *Privacy Complaint Form*
<http://www.oaic.gov.au/privacy/making-a-privacy-complaint> accessed 24 November 2013
- Office of the Australian Information Commissioner. *Factsheets: FOI and Privacy*
<http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/> accessed 24 November 2013

- Office of the Australian Information Commissioner – <http://www.oaic.gov.au/>
- UNICEF – <http://www.unicef.org/>

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