

Privacy and Confidentiality

QA7 Governance and Leadership

Policy Statement

Little Graces will maintain private and confidential files for educators and staff, children, and their families. Systems will be developed for the appropriate use, storage, and disposal of records to ensure the information is used only for the education and care of the child enrolled in the Service, and only shared with relevant or authorised people as defined within authorisations of the Education and Care Services National Regulations.

The Service recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. The Service requires personal information from families to provide appropriate and responsive care. This policy has been developed to comply with the Australian Privacy Principles (APPs) (2018) and pursues the highest standard in the protection and preservation of privacy and confidentiality.

Rationale

The Catholic Education Commission of Western Australia Trustee's Association acknowledges parents and families as partners in the care and education of their children. Trust and respect for the dignity of the child and family require that standards are observed in the management of any sensitive information revealed about the child or family.

The right to confidentiality and privacy of the child and the family is outlined in Early Childhood Code of Ethics and National Education and Care Regulations. The Service is required to collect and store information pertaining to children, families and educators in a confidential and sensitive manner. The Service will respect the privacy of children and their parents and educators, while ensuring that they access high quality early years care and education.

Records and information about individual children, families, educators and management are preserved in a secure place and are only retrieved by or released to people who need the information to fulfil their responsibilities at the Service or have a legal obligation to distinguish.

The Privacy Act 1988 requires, where confidential information is collected that it is managed in such a way as to preserve the dignity of those involved and to maintain confidentiality.

Procedures

The Service aims to meet these goals through the adoption of this specific Privacy and Confidentiality policy and our Privacy Collection statement which will guide our practices in this area.

Collection of Information

The Service will ensure:

- Each family, staff, volunteers and student are provided with a privacy policy upon enrolment that includes details about how they can access their personal information, have this corrected as needed, and make a complaint about a breach of privacy, if one occurs.
- Each staff member, volunteers and student information is correct in personnel and other files. This includes information on qualifications, Working with Children Clearance (WWCC), criminal history checks, staff entitlements, contact and emergency information, health and immunisation information, and any relevant medical and legal information. This would include any other relevant information collected by the Service.
- Information collected from families, educators, and the community is always maintained in a private and confidential manner.
- Information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined 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 the 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.
- Families are informed upon enrolment how images/photographs of their children will be used on the Internet and/or publications and gain written approval.
- Families with information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. Individuals can make a complaint to the Principal on behalf of the Approved Provider if they believe there has been a breach of their privacy in relation to the privacy principles. The breach will be assessed by the Principal within 14 days. Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between the Approved Provider through the Principal and the individual to resolve the situation, in line with the Complaints and Feedback procedure.
- Information provided by families, and staff members is only used for the purpose it was collected for.
- Families' information is correct in enrolment records. This includes:
 - information on immunisation updates,
 - income and financial details (credit card or bank information),
 - contact details of family and emergency contact information,
 - children's developmental records,
 - Family Assistance information,
 - Medical management plans.


- Legal information – such as family court documentation – required by our education and care service. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child.
- Families are provided with details on the collection of personal information collected:
 - The types of information collected by our education and care service;
 - The purpose of collecting information;
 - What types of information will be disclosed to the public or other;
 - agencies; and when and why disclosure may occur;
 - How information is stored at the Service;
 - Approaches used to keep information secure;
 - Who has access to the information;
 - The right of the individual to view their personal information;
 - The length of time information needs to be archived; and
 - How information is disposed.
- Information provided by families and staff is only used for the purpose it was collected for.

Storage of Information

- The Service will ensure that education and care records, personnel records, CCS information and children's and family's information is stored securely in a locked cupboard or filing cabinet, reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the education and care environment at all times.

Access to Information

- The Service will ensure that information 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, 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 this information in writing from the Nominated Supervisor. Authorised persons may request to view any information kept on their child.
- 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.
- In keeping with the Early Childhood Australia (ECA) Code of Ethics (2019), the Education and Care Services National Regulations and the Privacy



Legislation, educators and staff employed at the Service are 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.

Monitoring, Evaluation and Review

This Policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the Service will review this Policy every two years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with Regulation 172 of the Education and Care Services National Regulations, the Service will ensure that families of children enrolled at the Service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the Service; a family's ability to utilise the Service; the fees charged or the way in which fees are collected.

References

- Australian Children's Education & Care Quality Authority [ACECQA]. (2017). *The Guide to the Education and Care Services Law and the Education and Care Services National Regulations 2011*.
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- Early Childhood Australia [ECA]. (2019). *Code of Ethics*. Retrieved from <http://www.earlychildhoodaustralia.org.au/our-publications/eca-code-ethics/>
- Ministerial Council for Education, Early Childhood Development and Youth Affairs. (2011). *Education and Care Services National Regulations*.

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