

PRIVACY AND CONFIDENTIALITY

AIMS

The preschool will:

- Maintain private and confidential files for educators, children and their families;
- Develop systems for the appropriate use, storage and disposal of records; and
- Ensure the information in these files 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.

EXPLANATION

Birubi Point Preschool recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. Preschool requires personal information from families to provide appropriate and responsive care. This policy has been developed to comply with the *Australian Privacy Principles (APPs) (2014)* and pursues the highest standard in the protection of preservation of privacy and confidentiality.

PROCEDURES

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

The Approved Provider will:

- Ensure that each family, staff, volunteers and student and committee member is provided with a privacy collection statement upon enrolment, that includes a details about how they can access their personal information, have this corrected as needed, make a complaint about a breach of privacy, if one occurs. This can also be accessed on our website www.birubipreschool.com.au;

PRIVACY AND CONFIDENTIALITY

- Ensure each staff member, committee members, volunteers and student information is correct in personal and other files. This includes information on qualifications, 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.
- Ensure that information collected from families, educators, 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 the ways outlined as appropriate in the Education and Care Services National Regulations 2011, 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.
- 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. Individuals can make a complaint to 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 Approved Provider 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 and the individual to resolve the situation, in line with the Complaints and Feedback procedure; and
- Will ensure information provided by families, staff and committee members is only used for the purpose it was collected for.

PRIVACY AND CONFIDENTIALITY

The Nominated Supervisor will:

- Ensure families' information is correct in enrolment records. This includes information on immunisation updates, income and financial details (bank information), contact details of family and emergency contact information, children's developmental records, Family Assistance information, and any medical or legal information – such as family court documentation – required by Birubi Point Preschool. 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;
- Provide families with details on the collection and personal information collected. This information will include:
 - The types of information collected by our preschool;
 - The purpose of collection 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.
- Will ensure information provided by families and staff is only used for the purpose it was collected for;
- Ensure that preschool records, personal records, CCB information and children's and families information is stored securely reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the preschool at all times;
- 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 and Communities, or an authorised officer; or
 - As permitted or required by any Act or Law

PRIVACY AND CONFIDENTIALITY

- 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 or legal guardianship.

Educators will:

- Maintain children's information and store documentation according to policy at all times.
- Not share information about the preschool, 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 our preschool bound to respect the privacy and rights of children enrolled and their families; educators and staff and their families and any other persons associated with the preschool. Educators will sign a Confidentiality Statement as it relates to privacy and confidentiality of information.

EVALUATION

All information pertaining to the preschool, 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 2011.

PRIVACY AND CONFIDENTIALITY

STATURTORY LEGISLATION & CONSIDERATIONS

Privacy Act 1988 www.privacy.gov.au/law/act

ECA – Code of Ethics

Education & Care Services National Regulations 2011.

Children (Education and Care Services National Law Application) Act 201

Children and Young Persons (Care and Protection) Act 1998

Australian Privacy Principles – www.oaic.gov.au

Office of the Australian Information Commissioner – www.oaic.gov.au

REVIEW DATE

Review will be as required, when procedure, practice or legislation changes.