



# Privacy and Confidentiality

## Policy Statement

This policy acts to ensure that:

- Our service recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships
- To provide appropriate and responsive care in regard to the personal information provided to us by families

## Goals

- Maintain private and confidential files for educators and staff, children and their families with respect
- Develop appropriate systems for the use, storage and disposal of records
- 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

## Strategies

- Our service will meet these goals through the adoption of this policy
- Information gathered relating to Staff, Educators, Children and Families is maintained in accordance with the National Privacy Principles (Privacy Act 1988)

## Collection of Information

- Ensure staff members, volunteers and student information is correct in personnel and other files
- Ensure that information collected from families, educators and the community is maintained in a private and confidential manner at all times
- Ensure 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, 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
  - To the Regulatory Authority or an Authorised Officer
  - As authorised, permitted or required to be given under any act or law
  - With written consent of the person who provided the information

Policy Created  
February 2016

Policy Last Updated  
September 2021

Policy Review Date  
March 2023



- Ensure families are informed upon enrolment how images/photographs of the children will be used and gain written permission
- Provide families with information on the Complaints Handling Policy if any privacy or confidentiality has been breached
- Will ensure information provided by families and staff is only used for the purpose it was collected for

### **Verbal Information**

- Only information which is relevant to providing quality care for a child needs to be discussed between Educators and Coordinators
- Staff and Educators need to be aware that it is not appropriate to discuss children in care with people other than the child's parents, Service Staff or Educators
- It is important Educators do not refer to children by name when discussing an incident with another parent or member of the public

### **Written Records**

- Precautionary steps will be taken to ensure all information of a personal nature is not available to people unauthorised to access this information
- Personal information in written records will be kept securely by storing records in a safe and secure area
- Service iPads will be password protected to ensure that access to confidential information is only accessible to the appropriate service staff
- Thorough destruction or secure disposal of records will occur after the lapse of the mandatory period of retention

### **Notifiable Data Breaches**

The Notifiable Data Breaches (NDB) Scheme requires all businesses regulated by the Privacy Act to provide notice to the Office of the Australian Information Commissioner and affected individuals of any data breaches that are likely to result in serious harm.

- Should there be a NDB at our service, the Approved Provider will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in a serious harm to an individual affected
- Individuals at likely risk of serious harm will be notified promptly

Policy Created  
February 2016

Policy Last Updated  
September 2021

Policy Review Date  
March 2023



### **The Nominated Supervisor and Coordinators will:**

- Ensure each families information is correct in enrolment records
- Will ensure the information provided by families and staff is only used for the purpose it was collected for
- Be sensitive to the rights of Staff, Educators and Families and ensure that information of a personal nature is handled in a tactful, secure and discreet manner
- Exercise confidentiality as a standard approach when developing and implementing policies and procedures

### **Storage of Information**

- Ensure that the Education and Care Service Records, Personnel Records, CCS Information and Children and Families information is stored securely, reducing the chance of unauthorised access, use or disclosure

### **Access to Information**

- 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
  - As permitted or required by a Law or Act
- Individuals will be allowed access to their personal information as requested
- 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
  - 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 the 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

Policy Created  
February 2016

Policy Last Updated  
September 2021

Policy Review Date  
March 2023



- In keeping with the Early Childhood Australia Code of Ethics, the Education and Care Services National Regulations and the Australian Privacy Principles, educators and staff employed by our 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

### **Families will:**

- Respect the private and confidential relationship between themselves and Service Staff
- Refrain from discussing grievances with Educators in a public arena

### **Country Children's Early Learning Website Resource Page**

- The CCEL resource page will be a source for sharing information, activities and experiences with Educators, Staff and Parents and children
- The resources webpage includes 'Zoom Webinars and Photos. These webinars and photos may include videos or photos of children attending CKC's services participating in activities/experiences
- Educators will exercise due diligence when checking the content included in the photo and video picture, text and audio to ensure all content is appropriate and consistent with the Privacy Act
- Parents will be required to provide permission for filming and photographs of their children to be published on this site

### **Social Networking Sites**

- It is expected that the principles of Privacy and Confidentiality addressed for the Approved Provider, Co-ordination Unit Staff, Educators, and Parents in this policy will be maintained when any parties are using social networking sites such as Facebook or Twitter
- Social networking sites are a public arena; therefore it is not appropriate for any information regarding the OSHC Service to be discussed on such sites

Policy Created  
February 2016

Policy Last Updated  
September 2021

Policy Review Date  
March 2023



## Country Kids Club Facebook Page

- To be used as a tool for communicating general information with Educators, Staff and Parents that is non-specific to any person or venue
- CKC's Facebook page will be a source for sharing the following information with Educators, Staff and Parents:
  - Policies, Procedures and Guidelines
  - Child Development and Health Facts
  - Training clips/movies for Parents
  - Training dates for Parents
  - Reminders for Upcoming Events

## Country Kids Club Educator Networking Facebook Page

- To be used as a tool for communicating general information with Educators and Staff that is non-specific to any person, residence or service
- Country Kids Club Educator Networking Facebook page is only for people employed or contracted by Country Children's Early Learning
- The Country Kids Club Educator Networking Facebook page will be a source for sharing the following information with Educators and Staff:
  - Policies, Procedures and Guidelines
  - Child Development and Health Facts
  - Training clips/movies for Educators and Staff
  - Training dates for Educators and Staff
  - Articles and Programming Ideas
  - Photos suggesting ideas on how to use new equipment
  - Reminders for Upcoming Events

## Protocol for Country Kids Club Facebook Pages

- No children are to be discussed or pictured on the site
- No families are to be discussed or pictured on the site
- No Educators or Staff are to be discussed on the site
- Educators and Staff pictures will only be displayed with the consent of the Educator or Staff Member
- The service Facebook Page is not to be used as a personal communication tool between Families and Educators/Staff (e.g. what they are doing on the weekend, their child is sick and won't be in today)
- Any person that posts inappropriate or offensive information will be asked to remove it

### LINKS TO:

- Education & Care Services National Law
- Education & Care Services National Regulations: 168 (2)(1), 181, 182, 183
- National Quality Standards/Elements: 7.1, 7.1.2
- Child Safe Standards : 1, 9, 10



- Parents who themselves, or whose friends do not abide by the protocol will be unfriended and risk losing their placement with CKC
- Educators or Staff who themselves, or whose friends do not abide by the protocol will be unfriended and risk losing their position with CKC

### **Continual Monitoring and Improvement**

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Approved Provider and Co-ordination Unit Staff accessing current relevant information
- Approved Provider, Co-ordination Unit Staff and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

### **SOURCES**

Education and Care Services National Regulations, October 2020

Education and care Services National Law, February 2018

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations, October 2017

Guide to the National Quality Standard, January 2020

CELA Privacy and Confidentiality, July 2021

Australian Privacy Principles – [www.oaic.gov.au](http://www.oaic.gov.au)

**Early Childhood Australia** – [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

The Privacy Act, What does it all Mean? Community Child Care Magazine, June 2002

Implementing the Child Safe Standards: A Guide for Early Education and Outside School Hours Care Services, NSW Department of Education, 2021

A Guide to the Child Safe Standards, NSW Office of the Children’s Guardian, 2020

### **LINKS TO OTHER POLICIES:**

- Acceptance & Refusal of Authorisations
- Administration of First Aid
- Administration of Medication
- Child-Safe Environment
- Enrolment & Orientation
- Governance and Management
- Dealing with Complaints
- Incident, Injury, Trauma & Illness