

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, 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
October 2023

Policy Review Date
March 2025

- 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
- 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

The Approved Provider/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

- 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, parents and children
- The resources webpage includes 'Zoom Webinars and photos. These webinars and photos may include videos or photos of children attending our 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, Coordinators, 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

Country Kids Club & Country Children's Early Learning Facebook Pages

- To be used as a tool for communicating general information with Educators, Staff and Parents that is non-specific to any person or venue
- The service Facebook pages 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

Country Kids Club Educator & Family Day Care Educator Networking & Facebook Pages

- To be used as a tool for communicating general information with Educators that is non-specific to any person, residence or service
- The Educator Networking Facebook pages are only for people employed or contracted by Country Children's Early Learning
- The Networking Facebook pages 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 Children's Early Learning 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

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

Use of Digital Platforms in Family Day Care

Digital technology continues to provide Educators with new ways to engage and educate children and share this information with families via digital platforms.

CCEL supports Family Day Care Educators to utilise digital platforms to support their Curriculum Planning, recording and communication with families.

Educators who use Digital Platforms for these purposes are required to:

- Inform the CCEL Approved Provider of the Digital Platform that they will be using
- Only use a Digital Platform that requires parental consent
- Access to the Digital Platform must have password protected access
- Access to the Digital Platform is only provided to parents/guardians of the child enrolled at the service
- Families are reminded not to share the information or log-in details with anyone else to ensure each child's privacy is protected
- Only share information in regard to the individual child's education and care
- Seek parental approval before group photos are shared to individual children's page/account

LINKS TO

- **Education & Care Services National Law**
- **Education & Care Services National Regulations**
168(2)(i), 169, 170, 181, 182, 183
- **National Quality Standards/Elements:**
7.1, 7.1.2
- **Child Safe Standards**
1, 2, 3, 4, 5, 6, 7, 8, 9,10

Continual Monitoring and Improvement

Continual improvement and monitoring will occur in the following ways:

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

SOURCES

- Education and Care Services National Regulations - December 2021
- Education and care Services National Law - January 2022
- 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
- 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
- ACECQA – FDC Approved Provider compliance responsibilities – October 2017
- Be You
- My Time Our Place: Framework for School Age Care in Australia
- ECA Code of Ethics
- United Nations Convention on the Rights of the Child
- CELA Privacy and Confidentiality, July 2021
- Australian Privacy Principles
- Early Childhood Australia
- The Privacy Act, What does it all Mean? Community Child Care Magazine, June 2002

LINKS TO OTHER POLICIES:

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