

PRIVACY AND CONFIDENTIALITY

INTRODUCTION

Manly Vale Community Kindergarten recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. Our 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) (2014)* and pursues the highest standard in the protection and preservation of privacy and confidentiality.

AIMS

- To maintain private and confidential files for staff, children and their families by developing systems for the appropriate use, storage and disposal of records.
- To ensure the information in these files is used only for the education and care of the child enrolled in the centre, and only shared with relevant or authorised people as defined within authorisations of the *Education and Care Services National Regulations 2011*.

IMPLEMENTATION STRATEGIES

1. Collection of Information

The Approved Provider and Nominated Supervisor will:

- Ensure that each family, staff, volunteers and student and committee member is provided with a privacy collection statement upon enrolment that includes details about how they can access their personal information.
- Ensure each staff member, committee members, volunteers and student information on qualifications, WWCC, criminal history checks, staff entitlements, contact and emergency information, health and immunisation information, and any relevant medical and legal information.
- Ensure that information collected from families, staff, 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, 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 whom the information relates (except for information in staff records)
 - To the Department of Education and Communities or authorised officer
 - As authorised, permitted or required to be given by or under any act or law
 - 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.

The Nominated Supervisor will:

- Ensure each families information is correct in enrolment records. This includes information on immunisation, contact details of family and emergency contact information, children's developmental records, and any medical or legal information required by the centre.
- Provide families with details on the collection of personal information collected. This information will include:

- The types of information collected by the centre
- 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 centre
- 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
- How information is disposed

- Ensure information provided by families and staff is only used for the purpose it was collected for:

2. Storage of Information

- Staff will ensure that all personal information is stored in the office where an alarm system operates, reducing the chance of unauthorised access, use or disclosure. Refer to the *MVCK Records Management Policy* for further information.

3. Access to Information

- All staff 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, or
 - The Department of Education and Communities, or an authorised officer, or
 - As permitted or required by any Act or Law.
- Individuals will be allowed access to their personal information when they request it. Authorised persons may request to view any information kept on their child.
- Information may be denied under the following conditions:
 - Access of 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 and legal guardianship.

The Parent Management Committee and Educators will:

- Not share information about the centre, management information, other staff, children or 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 2011* and the *Privacy Legislation*, the Parent Management Committee and staff employed by Manly Vale Community Kindergarten are bound to respect the privacy rights of children enrolled and their families, staff and their families and any other persons associated with the service.
- Sign a Confidentiality Statement as it relates to privacy and confidentiality of information.

Educators will:

- Maintain children's information and store documentation according to the policy at all times.
- Disclosure of information, without the consent of the individual or individual's family, by staff members, will be seen as a breach of the employee's contract and could result in dismissal.

EVALUATION

All information related to the service, the staff and families will be maintained in a private and confidential manner in accordance with the *Commonwealth Privacy Act 1988* and the *Education and Care Services National Regulations 2011*.

LEGISLATIVE LINKS

Education and Care Services National Regulations 2011: 181
National Quality Standard: 7.1.1, 7.3.1 and 7.3.5

LINKS TO OTHER POLICIES

Child Protection
Code of Conduct
Complaints and Feedback
Records Management

SOURCES

Australian Privacy Principles – www.oaic.gov.au
Early Childhood Australia – www.earlychildhoodaustralia.org.au
Community Child Care Cooperative – Privacy and Confidentiality Policy
Office of the Australian Information Commissioner – www.oaic.gov.au
Privacy Act 1988 (Privacy Act) – www.oaic.gov.au/law/act

REVIEW DATES

Reviewed: November 2004
Reviewed: 14 September 2012
Reviewed: 7 October 2014