



Privacy and Confidentiality Policy

Rationale

St Peters Community Preschool recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. This policy has been developed with regard to the '13 Australian Privacy Principles' (APPs) and pursues the highest standard in the protection and preservation of privacy and confidentiality.

Aim

We will:

- maintain private and confidential files for educators and staff, children and their families. We will develop systems for the appropriate 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*.

Implementation

Collection of Information

For the education and care service to be able to meet the needs of each child, family, educator and staff member information must be collected and maintained.

The Nominated Supervisor will provide families with details on the collection of personal information.

This information will include:

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

The Nominated Supervisor will ensure information provided by families and staff is only used for the purpose it was collected for.

Storage of Information

The Nominated Supervisor will ensure that all personal information is stored securely reducing the chance of unauthorised access, use or disclosure.

Access to Information

The Nominated Supervisor 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 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 and legal guardianship.

Maintaining Information

- The Nominated Supervisor is responsible for keeping all service records required under the *Education and Care National Regulation*. Information will be updated regularly.

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 the education and care service 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.

The preschool will adhere to the “13 Australian Privacy Principles” (APPs) as follows:

APP 1. Open and transparent management of Personal Information

The preschool will ensure it manages Personal Information in an open and transparent way. The purpose of this Privacy Policy is to describe what kind of information the preschool may gather or hold about individuals who come in contact with it, how it may use that information, whether it disclose the information to anyone, and the choices such individuals have regarding the use of, and the ability to correct, this information.

"**Personal Information**" is information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained. Personal Information that the preschool may collect and hold includes, but is not limited to:

- a) names;
- b) postal, residential addresses and/or service addresses;
- c) email addresses;
- d) dates of birth;
- e) contact details including telephone numbers (landline and mobile);
- f) gender;
- g) occupation and employment details;
- h) financial information and bank/credit account details;
- i) consumer preference information and opinions;
- j) driver licence numbers;
- k) payment details;
- l) developmental and progress records as outlined in the Regulations for Centre Based Services as set by the Department of Community Services (DoCs) and The NSW Curriculum Framework for Children's Services;
- m) any feedback that an individual may give the preschool; and
- n) information that the preschool collects for promotional purposes.

APP 2. Anonymity and pseudonymity

Individuals will have the option of not identifying themselves, or of using a pseudonym, when dealing with the preschool provided it is not impractical to do so and the preschool is not required by law to deal with individuals who have properly identified themselves.

The preschool will also allow for anonymity in dealing with the preschool by encouraging the use of a suggestion box.

APP 3. Collection and solicited Personal Information

The preschool will ensure that Personal Information that is collected about individuals who are in contact with the preschool will be limited to only the amount of Personal Information (other than Sensitive Information) that is reasonably necessary for the preschool's activities and in accordance with the Regulations for Centre Based Services as set by the DoCs.

The following methods will be used in the collection of Personal Information on children and families:

- a) Waiting List Form (Appendix A)
- b) Enrolment Form (Appendix B)
- c) Fee Subsidy form (if applicable) (Appendix G)
- d) Developmental Records and Observations on children's development and progress at the preschool as specified in the Regulations for Centre Based Services and The NSW Curriculum Framework for Children's Services.

The following methods will be used in the collection of Personal Information on staff:

- a) Staff Emergency Contact Form (Appendix H)
- b) Working with children screening consent forms are required by DoCS.
- c) Banking details/Super/Tax declarations etc

The following methods will be used in the collection of Personal Information on volunteers and students:

- a) Student Emergency Contact form (Appendix I)
- b) Information/Reports prepared on the progress of the student

Sensitive Information

The preschool will ensure that information relating to an individual's religious beliefs, racial or ethnic origin, philosophical beliefs, political opinions, membership of a political association, membership of a trade union, sexual preferences or practices, criminal records or health information (Sensitive Information) will not be collected by the preschool unless that individual expressly consents to the collection of the Sensitive Information.

Sensitive Information will be kept confidential except in the case of a child protection issue where information will only be provided to an authorised officer of DoCs or a police officer.

APP 4. Dealing with unsolicited Personal Information

If the preschool receives Personal Information, which it did not solicit, the preschool will, within a reasonable period after receiving the Personal Information, determine whether or not the entity could have collected the Personal Information under APP 3.

If the preschool determines the Personal Information could not have collected the Personal Information in accordance with APP 3 it will destroy or deidentify the Personal Information, provided it is reasonable and lawful to do so.

APP 5: Notification of the collection of Personal Information

If the preschool collects Personal Information from an individual it will take reasonable steps, through the forms described in APP 3 above, to notify the individual of:

- a) the identity and contact details of the preschool;
- b) the fact the preschool collects, or has collected, the Personal Information and the circumstances of the collection;
- c) if the collection is required or authorised by law (including the name of the Australian law, or details of the court/tribunal order, that requires or authorises the collection);
- d) the purposes for which the preschool collects the Personal Information;
- e) any consequences for the individual if all or some of the Personal Information is not collected by the preschool;
- f) any other entity, body or person to which the preschool may disclose the Personal Information;
- g) that the preschool's privacy policy contains information about how the individual may access their Personal Information and seek the correction of such information;
- h) that the preschool's privacy policy contains information about how the individual may complain about a breach of the APPs and how the entity will deal with such a complaint; and
- i) whether the preschool is likely to disclose the Personal Information to overseas recipients and the countries to which the information may be disclosed.

APP 6: Use of disclosure of Personal Information

The Personal Information provided to the preschool by an individual will only be used for the purpose that it has been collected, which is for the effective operation of a preschool program. Such Personal Information will not be used by the preschool for any secondary purpose without the express consent of the individual providing the information.

The only people that will have access to the Personal Information specified above are:

- a) people about whom the information is about;
- b) parents who request of staff to view their child's developmental records;
- c) staff employed by St Peters Community Preschool;
- d) an authorised officer of the Department of Community Services – when necessary to protect the welfare of the individual, See the Child Protection Policy for further information; and
- e) when required by law (in the case of a child protection issue – see the Child Protection Policy for further information).

In the case of student teachers should they require Personal Information beyond a child's first name and date of birth consent will be sought from a parent/guardian before any Personal Information is disclosed.

The preschool will ensure that no Personal Information is transferred to any individual or organisation without the written consent of the individual except in the case of a child protection issue where Personal Information will only be provided to an authorised officer of the DoCs or a police officer.

APP 7. Direct Marketing

The preschool will not use or disclose Personal Information for the purpose of direct marketing beyond sending an individual information about the preschool or the operation of a preschool program.

APP 8. Cross-border disclosure of Personal Information

The preschool will not use or disclose the Personal Information to overseas recipients.

APP 9. Adoption, use and disclosure of government related identifiers

The preschool will ensure that government identifiers such as the Medicare number will only be used for the purpose for which it was supplied. In the case of the preschool, parents are asked to specify their child's Medicare number on the child's enrolment form.

This is requested so that in the case of the child requiring urgent medical treatment (generally meaning they have been taken by ambulance with a staff member accompanying) and the parent/guardian cannot be contacted or has not arrived the staff member can provide the hospital with this information.

APP 10. Quality of Personal Information

The preschool will ensure that Personal Information remains accurate, up-to-date and complete by:

- a) Informing parents on enrolment that they must ensure that the preschool is kept up to date on any changes to the information collected on the child's enrolment form;
- b) Enrolment Updates will be carried out annually to ensure that information is current; and
- c) Staff details will be updated on an annual basis to ensure information is accurate.

APP 11. Security of Personal Information

The preschool will take such steps as are reasonable to ensure that all Personal Information collected on the above forms will be safe from misuse, interference, loss, unauthorised access, modification or disclosure by ensuring only those specified under APP 6 will have access to the Personal Information.

All information collected on children and families will be stored in the child's Enrolment file in a locked filing cabinet with only those authorised to have access. Staff/Student and Volunteer information will be kept in a locked cabinet with only those authorised to have access.

All members of the Management Committee and all staff will sign a copy of the Confidentiality Agreement and will be expected to adhere to this. Failure to do so may result in disciplinary action being taken by the management.

APP 12. Access to Personal Information

The preschool will ensure that Personal Information is available to the person on whom it is about on their request.

A request for access can be made by contacting The Director at:

St Peters Community Preschool
Church St
ST PETERS NSW 2044
Ph: (02) 9519 1248

APP 13. Correction of Personal Information

The preschool will ensure that individuals are able to correct any Personal Information which is inaccurate, out of date, incomplete, irrelevant or misleading by making a request for access to that information as described in APP 12.

In the case of children's developmental records parents/guardians may have access to their child's records, however, it is advisable that the parent/guardian and staff read the information together so that the staff member can explain/clarify the information in the observations from a professional teaching perspective.

In the case of a child protection issue the staff will follow the advice of the DoCs Child Protection team in providing parents/guardians with information related to this issue.

Complaints

Should an individual have any complaints about the preschool's handling of Personal Information the individual should, in writing, direct his or her complaint to:

The Director or The President of the Management Committee

St Peters Community Preschool
Church St
ST PETERS NSW 2044
Ph: (02) 9519 1248

The preschool will issue you with a timely response to any complaint that, if appropriate, will outline the measures that it will take to resolve the complaint.

If you feel that the preschool has not satisfactorily addressed your complaint, you may also make a complaint to the Office of the Australian Information Commissioner by visiting www.oaic.gov.au or by writing to GPO Box 5218 Sydney NSW 2001 or GPO Box 2999 Canberra ACT 2601

Policy Updated: April 2014

Signed:

Sources:

Australian Privacy Principles - <http://www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles>

Department of the Officer of the Privacy Commissioner - www.privacy.gov.au

Early Childhood Australia - www.earlychildhoodaustralia.org.au

Statutory Legislation & Considerations:

Children (Education and Care Services National Law Application) Act 2010

Education and Care Services National Regulations

Review

This policy will be reviewed every 2 years

Date for next review: April 2016

The review will be conducted by:

- Staff
- Management committee
- Families

Links to NQS

QA 7	Standard 7.3	Element 7.3.1
QA 7	Standard 7.3	Element 7.3.4
QA 7	Standard 7.3	Element 7.3.5

Links to Education and Care Services National Regulations & National Law 2011

Regulation	168 (2) (k)
Regulation	181 Confidentiality of records kept by approved provider

Parts of this policy have been adapted for St Peters Community Preschool from a draft policy prepared by Community Child Care Co-operative (NSW).