



## 22. Privacy and Confidentiality

### Introduction

Early childhood education and care services require personal information from families to provide appropriate and responsive care. This information needs to be maintained and managed by the education and care service in a private and confidential manner.

### Purpose

The centre will maintain the security and confidentiality of personal or health related information relating to centre staff and educators, children and families, volunteers and visitors to the centre.

### Goals – What are we going to do?

Tillys Play and Development Centre will:

- Maintain private and confidential files for educators, children and their families. These records will be securely stored and maintained.
- Develop systems for the appropriate use, storage and disposal of records.
- Maintain records according to the National Privacy Principles.
- 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 – How will it be done?

Tillys Play and Development Centre aims to meet these goals through the adoption of this specific Privacy and Confidentiality Policy and our Privacy Collection Statement and Record Keeping Guidelines which will guide our practices in this area.

### Roles and Responsibilities

Approved Provider will:

- Ensure that on commencing at the centre all families, educators and staff as well as students, volunteers and visitors are made aware of centres policies and procedures and how to access them.
- Ensure that information collected from families, educators and the community is maintained in a private and confidential manner at all times.
- Ensure each educator and staff member, volunteer and students information is correct in personnel files. This includes information on qualifications, WWCC, entitlements, contact and

emergency information, health and immunisation information and any other medical and legal information.

- 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 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 or videos of their children will be used throughout the centre for programming and displays, for promotional purposes and social media posts.
- All digital interactions must comply with the Service's Privacy and Confidentiality Policy and relevant legislation. Staff and visitors must handle all digital content involving children or families responsibly. Any suspected breach must be reported immediately. In the event of a data breach, the OAIC will be notified using the Notifiable Data Breach Form. Examples include lost devices, misdirected reports, or hacking incidents.
- Provide families with information on the centres 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 Procedure.
- Ensure information provided by families, staff and educators is only used for the purpose it was collected for.

#### Nominated Supervisor will:

- Maintain up-to-date enrolment records, including information from families on immunisation updates, contact details of family members, emergency contact information, developmental records, Family Assistance information and any medical or legal information required by the centre – such as family court documents.
- Ensure that Tillys Play and Development Centre records, personnel records, CCS information and children's information is stored according to policy and remains private and confidential within the centre at all times.
- Ensure all computer records are password protected.
- Provide families with details on the collection of personal information – see Privacy Collection Statement and Record Keeping.
- Ensure information provided by families, staff and educators is only used for the purpose it was collected for.
- 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.
- 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
    - 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.

### Educators will:

- Maintain children’s information and store documentation according to policy at all times.
- Not share information about Tillys Play and Development Centre, 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, the Education and Care Services National Regulations and the Privacy Legislation, educators and staff employed by our centre 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 centre. Educators will sign a Confidentiality Statement on employment as it relates to privacy and confidentiality of information.

### Related Legislation

- Privacy Act 1988 - [www.privacy.gov.au/law/act](http://www.privacy.gov.au/law/act)
- Children (Education and Care Services National Law Application) Act
- Education and Care Services National Regulations: 181
- Children and Young Persons (Care and Protection) Act 1998

### Links to other policies and documents

- Child Protection
- ECA Code of Conduct
- Enrolment and Orientation
- Medication Administration
- Record Keeping
- Social media
- Privacy Collection Statement

Links to Education and Care Services National Regulations: 168, 181, 182, 183

Links to National Quality Standards/Elements:

7.1

### Sources

- Office of the Australian Information Commissioner – [www.oaic.gov.au](http://www.oaic.gov.au)
- Australian Privacy Principles – [www.oaic.gov.au](http://www.oaic.gov.au)
- Early Childhood Australia (ECA) - [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)
- Community Early Learning Australia - CELA