

Privacy and Confidentiality

NQS 2.2 Each child is protected

NQS 7.1 Governance supports the operation of a quality service

NQS 7.1.2 Systems are in place to manage risk and enable the effective management and operation of a quality service.

Introduction

The Glenaeon Rudolf Steiner 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 *Australian Privacy Principles (2014)* and pursues the highest standard in the protection and preservation of privacy and confidentiality.

Aims

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 and images.
- ensure the information and images in these files are 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 *National Regulations*.

Procedures

Collection of Information

For Glenaeon Rudolf Steiner Preschool to be able to meet the needs of each child, family, educator and staff member, information must be collected and maintained.

Glenaeon Preschool will only collect personal information and images which are necessary to its functions and activities. It will only use and disclose personal information and images for the purpose they were collected.

In general Glenaeon Preschool may disclose personal information and images as part of its day to day business:

- To Government Departments or agencies as part of our legal and funding obligations
- In the management of Glenaeon Preschool programs and activities
- Where an individual consents to the disclosure of the personal information or image.

We will take reasonable steps to protect the personal information we hold from misuse, loss, distribution, unauthorised access, modification or disclosure. We will also take the reasonable steps to destroy or permanently de-identify personal information if no longer needed for any purpose.

Early Childhood Services are required to comply with Australian privacy law which includes the Privacy Act 1988 (the Act).

The law introduces a Notifiable Data Breaches (NDB) scheme that requires Early Childhood Services 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.”

Businesses that suspect an eligible data breach may have occurred, must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected. A failure to notify that is found to constitute a serious interference with privacy under the Privacy Act may result in a costly fine for an individual or business.

In order to comply with the Privacy Act, services are required to follow the Australian Privacy Principles (APPs), which are contained in Schedule 1 of the Privacy Act 1988 (Privacy Act).

In particular, the principles cover how personal information can be used and disclosed (including overseas), keeping personal information secure, and the open and transparent management of personal information including having a privacy policy.

Storage of Information

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

Access to Information

The Administrator 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, 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 Director / Nominated Supervisor is responsible for keeping all service records required under the *National Regulations*. Information will be updated regularly.
- In keeping with the Early Childhood Australia (ECA) *Code of Ethics* (2016), the *National Regulations* and the *Privacy Act 1988*, educators and staff employed by the education and care 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.

Breach of Confidentiality or Privacy

If families or staff believe that their privacy has been breached, they are to follow the Complaints and Feedback procedure. They can make a complaint to the Approved Provider, who will assess the breach. If information is found to be incorrect, it will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated with the Approved Provider and the individual to resolve the situation in line with the complaints and feedback procedure.

Statutory Legislation & Considerations

- Children (Education and Care Services National Law Application) Act 2010
- Education and Care Services National Regulations
- Privacy Act 1988

Sources

- Department of the Officer of the Privacy Commissioner - www.privacy.gov.au
- Early Childhood Australia - www.earlychildhoodaustralia.org.au
- Australian Childcare Alliance – Changes to the Australia’s Privacy law
- Office of the Australian Information Commission – Australian Privacy Principles
<https://www.oaic.gov.au/agencies-and-organisations/app-guidelines/>
<https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Evaluation:

All information related to the service, the staff and families at the Glenaeon Rudolf Steiner Preschool will be maintained in a private and confidential manner.

Privacy Collection Statement

This service is committed to maintaining all personal information provided by its children, families, staff, management, volunteers, students and community in accordance with our Privacy and Confidentiality Policy and the Australian Privacy Principles (2014). Each family, staff, volunteer, student and committee member is directed to our privacy collection statement upon enrolment or commencement of employment.

This statement outlines the type of personal information collected by this service and how information is acquired, used and shared. We will not sell personal information to any third parties.

What is personal information? How is it collected and why?

In relation to families:

What information is collected?	How we collect information?	Why we collect this?
Medical information, health and immunisation	<ul style="list-style-type: none"> • Enrolment form • Immunisation history statement or form • Health care cards – Medicare and health fund information • Accident, Illness and Injury forms • Medical Management Plans – asthma, anaphylaxis, allergy, other 	To ensure the health and safety of every child and as a requirement under Family Assistance Law, the NSW Public Health Act 2010 and the Education and Care Services Regulations.
Income and financial details, includes credit card and banking information	<ul style="list-style-type: none"> • Enrolment form • Fee payment and purchases • Tax File Number 	For the provision of the education and care service and as required under Family Assistance legislation and as per Funding Agreements with the Department of Education and Communities.
Contact details of family and emergency contact information	<ul style="list-style-type: none"> • Enrolment form 	Required under the Education and Care Services Regulation to maintain the safety of all children.
Children’s developmental records	<ul style="list-style-type: none"> • Observations • Assessment of children’s learning • Programming documents • Communications with families 	Required under the Education and Care Services Regulation and to provide a high quality education and care service.
Family Assistance information	<ul style="list-style-type: none"> • Enrolment form • CCMS 	Required under the Family Assistance legislation and under employment legislation under Income Tax legislation.
Legal information	<ul style="list-style-type: none"> • Enrolment form • Court orders or AVOs 	Required under the Education and Care Services

		Regulation and to maintain the safety of all children.
Employment, marital status and nationality	<ul style="list-style-type: none"> • Enrolment form 	Required under Commonwealth and State Legislation.
Any information required to be recorded under the National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child	<ul style="list-style-type: none"> • Enrolment form • Complaints records 	Required under appropriate legislation.
Current photo of child	<ul style="list-style-type: none"> • Provided by parent at enrolment • Taken by staff when delivering the program 	<ul style="list-style-type: none"> • Health and Safety • Identification of the child • Record of program provision

In relation to staff, volunteers, students and community:

What information is collected?	How we collect information?	Why we collect this?
Medical information, health and immunisation	<ul style="list-style-type: none"> • Employment record • Accident, Illness and Injury forms 	To ensure the health and safety of every person.
Income and banking information	<ul style="list-style-type: none"> • Employment record • Tax File Number 	Provision of entitlements
Contact details of family and emergency contact information	<ul style="list-style-type: none"> • Employment record 	To be able to contact a support person in the event of emergency at work.
Family Assistance information	<ul style="list-style-type: none"> • Employment record • CCMS 	Required under employment legislation under Income Tax legislation.

Legal information	<ul style="list-style-type: none"> • Employment record • Court orders or AVOs 	Required under the Education and Care Services Regulation.
Employment, marital status and nationality	<ul style="list-style-type: none"> • Employment record 	Required under employment legislation
Qualifications	<ul style="list-style-type: none"> • Employment record • Certified copies of documents 	Required under the Education and Care Services Regulation.
WWCC, criminal history checks	<ul style="list-style-type: none"> • Employment record • Originals of documents 	Required under the Education and Care Services Regulation.
Staff entitlements	<ul style="list-style-type: none"> • Payroll records • Tax File Number 	Provision of entitlements.

Personal information is information that personally identifies an individual, such as a name, residential or email address and includes information relevant to the enrolment process, credit card information, billing records, documentation of a child's learning and development, and recorded information regarding complaints.

Publicly available information, such as information on a public website profile is not considered personal information.

This service only collects personal information when individuals specifically and knowingly elect to provide this, such as when individuals enrol a child in the service, pay fees or subscriptions, and provide health or family information to support the inclusion of a child.

This service complies with the Payment Card Industry Data Security Standards (PCIDSS) when handling credit card transactions and securely stores all credit card information for Direct Debit or credit card payment/EFTPOS payments in accordance with the Fees policy.

Direct communications

This service uses individual's personal information to send information by post, email or telephone.

What happens with personal information?

This service will strive to let individuals know how any personal information will be used at the time of collection. Individuals will be asked if personal information can be used to establish contact with them regarding other aspects of organisational business. This service will not sell or trade individuals' personal information to other third parties.

This service collects and uses personal information and images generally to provide individuals with the information and the services they request, to provide appropriate and

relevant information pertaining to the education and care of a child/ren, and to continue to improve service quality.

Where is personal information stored?

Personal information is stored in a safe and secure manner, using locked filing cabinets or a password protected database and computer. Information is backed up electronically and securely stored. Data will not be altered or destroyed except in extraordinary circumstances. Hard copy information is stored at the service, which is secured to prevent entry by unauthorised people. Any personal information not actively being used may be archived, in accordance with regulatory requirements.

Personal information will remain on the service database indefinitely until personally advised by a customer that information is to be removed, unless information has been archived or destroyed at an earlier date in accordance with privacy law and regulatory requirements.

Access and updating personal information

Individuals may ask to access, update or delete personal information held about them at any time. Reasonable steps will be taken to verify an individual’s identity before granting access, making any corrections to, or deleting information. If a customer wishes to make a complaint, please refer to the Complaints Policy.

Photography

The Approved Provider will advise parents and families that:

- they should only photograph their own child at the Service unless given permission by another child’s parent.
- we do not condone the display of photographs taken of children from other families on the internet or via any other form of electronic media eg social media sites.
- where parents have given permission for their child to be photographed by anyone other than a staff member or educator, Glenaeon Preschool cannot accept responsibility for the distribution or use of any photograph taken by the individual.

Review

Policy adopted 2012

Policy Reviewed	Modifications	Next Review Due
Feb 2013 Oct 2014		
Aug 2015	<ul style="list-style-type: none"> • Changes made to comply with changes to the Australian Privacy Act 1988, including the replacement of the National Privacy principles with the Australian Privacy Principles. • Addition of “images” when referring to personal information. 	Aug 2016

	<ul style="list-style-type: none"> • Addition of information relating to Photography at the preschool. 	
Jan 2018	<ul style="list-style-type: none"> • Updated references to comply with the revised National Quality Standard. • Minor changes to wording and formatting. • Addition of information relating to changes to the Privacy Act from Feb 2018 and the implications of this in relation to breaches. 	Jan 2019
April 2019	<ul style="list-style-type: none"> • Add in information relating to a breach of privacy or confidentiality 	April 2020