

A-17 Privacy and Confidentiality

NQS

QA. 7.1	Governance
QA. 7.1.2	Management systems

National Regulations

Reg. 111	Administrative space
Reg. 147	Staff members
Reg. 158	Children's attendance record to be kept by approved provider
Reg. 160	Child enrolment records to be kept by approved provider and family day care educator
Reg. 161	Authorisations to be kept in enrolment record
Reg. 162	Health information to be kept in enrolment record
Reg. 168	Education and care service must have policies and procedures
Reg. 177	Prescribed enrolment and other documents kept by approved provider
Reg. 181	Confidentiality of records kept by approved provider
Reg. 183	Storage of records and other documents

Policy Statement

We will ensure that all personal information of children, families and educators remains confidential. Parents and Educators will be informed as to what and how personal information is collected and its use and storage. Information will be disclosed to appropriate persons and bodies as required under legislation only. The privacy of all persons will be respected at all times.

Related Policies

- ENOSHCP Policy A-2: Priority of Access
- ENOSHCP Policy A-4: Enrolment
- ENOSHCP Policy A-10: Acceptance and Refusal of Authorisations
- ENOSHCP Policy A-11: Maintenance of Records
- ENOSHCP Policy A-15: Role of Management Committee
- ENOSHCP Policy C-8: Disciplinary Action
- ENOSHCP Policy D-11: Management of Incident, Injury and Trauma
- ENOSHCP Policy D-16: Asthma
- ENOSHCP Policy D-17: Anaphylaxis
- ENOSHCP Policy D-20: Medication
- ENOSHCP Policy D-22: Child Protection – Mandatory Reporting

Procedure

Privacy is to be respected at all times.

Information relating to any child enrolled at the centre will not be disclosed without written authority from the parent or legal guardian.

The only exceptions will be in regard to Chapter **16A** of the Children and Young Persons (Care and Protection) **Act** 1998. Which allows **information** to be **exchanged** between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal **information**.

Confidential information such as enrolment forms, will be stored on password protected centre computers which are only accessible to Educators. These computers will be locked, or turned off during times when the service is not open (including overnight).

Confidential discussions at meetings shall be kept as so, and once the meeting is closed, details should not be discussed with those outside the meeting. Where a confidential matter is raised for discussion, personal details should be omitted where possible. The committee may request any non-committee members who attend the meeting to leave whilst this discussion is had. The matter should be minuted in a way where it does not identify the individual.

Any information given in confidence to an Educator should remain between that person and the Nominated Supervisor. If the Nominated Supervisor considers that this information will impact on the well-being of any child or Educator at the Centre, then the information will be discussed with the President, and action decided upon. Where the matter refers directly to Child Protection, the Nominated Supervisor or Educator may choose to make the decision to report without consulting the President (see D-22 Child Protection – Mandatory Reporting Policy).

Communications between Educators and families regarding issues of a personal nature will be treated confidential at all times. If a discussion is required, it should be undertaken in a quiet, private area. The outdoor area may be utilised for such a discussion should there be no appropriate space indoors. Appointments may be made with Educators and management to discuss issues if required.

The need for confidentiality will be taken seriously within the Centre. A professional approach will be utilised at all times. This will be discussed with all Educators in the Centre on commencement of employment. Any breach of confidentiality will result in disciplinary action.

The contact details for Educators or committee members including phone numbers and addresses are not to be given out without their consent. In the event of someone needing to contact an Educator or committee member, a message will be taken, and the details passed on to the appropriate person for them to respond.

The following information will be collected via the portal on the enrolment of children in the service:

- Personal information including name of child and parent/guardian, gender, date of birth of child and parent/guardian, residential address, contact names and phone numbers, email address, Medicare number
- Customer Reference Number (CRN) of registered parent/guardian and the child/children using the service. Any necessary court order documents regarding custodial arrangements
- Emergency names and numbers including child's medical practitioner
- Cultural background for translation and cultural understanding
- Pre-existing medical conditions and allergies
- Pertinent information volunteered by parents that they consider is needed for Educators to cater for the individual needs of their child
- Individual developmental needs, interests and significant dates for programming purposes from the child's perspective
- Current immunisation status to manage transmittal of infectious diseases (see D-13: Illness and Infectious Diseases Policy)
- Permission to photograph children and display these photographs either in the Centre, on our website or for publications and promotional use
- Other permissions relevant to enrolment of your child/ren which may change from time to time.
- Personal information relating to the A-2 Priority of Access Policy

The following information will be collected during the operation of the Centre:

- Photographs including personal identification photos for children with severe allergies
- Incident reports which will include incident, injury trauma or illness records (see D-11 Management of Incident, Injury and Trauma Policy)
- Financial records concerning fees collection
- Financial records concerning Child Care Subsidy
- Daybook entries noting information helpful to the care of the child
- Medication details for administration and monitoring of side effects
- Court orders restricting access to child

The following information will be collected at Educator induction:

- Personal information including name, gender, date of birth, residential address, emergency contact names and phone numbers, relevant identification documents and email address.
- Financial information including bank details, superannuation and tax file number (paid Educators only)
- Contract of employment
- Working with Children Check clearance number and expiry
- Resume including references
- Certificates with regard to relevant qualifications or courses completed
- Medical Restrictions
- Vaccination status

The following information will be collected during employment at the Centre:

- Appraisal information for managing Educator development
- Grievance information
- Payroll/timekeeping records
- Details of wage and salary earnings (weekly and year to date)
- Annual Payment summaries (previously Group certificates)
- Records of long service leave
- Records of annual leave and personal / carers leave (permanent staff only)
- Termination records (and final payment details)
- Training records for the planning of Professional development

Parents and Educators may access their personal records and documentation upon request for the purpose of ascertaining whether the Centre holds accurate personal information relating to them.

As the Centre collects most personal information directly from the individual or their legal guardian, it is reasonable to assume the individual is aware that the information is held by the Centre and that the information is accurate at the time it is collected.

The Centre will not use personal information without taking reasonable steps to ensure that the information proposed to be used is relevant, accurate, up to date, complete and not misleading.

The Centre will not use personal information for a purpose other than for the reason it was collected unless the individual concerned consents or the new purpose relates to the original purpose. It will not disclose personal information unless it is to prevent a threat to the life or health of an individual and unless otherwise exempted under the Children and Young Persons (Care and Protection) Act (1998) or is required for legal proceedings in progress.

Procedures relating to the storage and maintenance of all records are detailed in the A-11 Maintenance of Records policy.

Where sensitive information is collected or emailed to committee members for discussion pertinent to the running of the centre (e.g. financial hardship), the information will be sealed and stored in a confidential manner, once dealt with. At this point, all committee members and interested parties involved in the discussion will be asked to remove any emails, etc. relating to the situation.

Sources

- Education and Care Services National Regulations 2011
- National Quality Standard
- Children (Education and Care Services National Law Application) Act 2010
- Children and Young Persons (Care and Protection) Act (1998)
- Privacy Act 1988
- Australian Privacy Principles
- Australian Government – Department of Education, Employment and Workplace Relations

- Health Records and Information Privacy Act (2002)
- Public Health Act (1991)
- Office of the Children's Guardian - Working with Children Check NSW
- Network of Community Activities OOSH Factsheet – 'Confidentiality'

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