

## CONFIDENTIALITY

### POLICY STATEMENT

Our Service will make every effort to protect the privacy and confidentiality of all individuals associated with the service by ensuring that all records and information about individual children, families, educators and management are kept in a safe and secure place and is not divulged or communicated, directly or indirectly, to another person other than:

- To the extent necessary for the education and care of the child
- To the extent necessary for medical treatment of the child
- Family of the child to whom the information relates
- The Regulatory Authority or an authorised officer as expressly authorised, permitted or required under the Education and Care Services National Law and Regulations
- With the written consent of the person who provided the information.

### CONSIDERATIONS

Education and Care Services National Regulations	145 – 152, 158 – 162, 168, 174 – 177, 181, 183, 184
National Quality Standard	2.2, 4.2, 5.1, 7.1
Other Service Policies/Documentation	<ul style="list-style-type: none"> <li>• Governance and Management policy</li> <li>• Dealing with Medical Conditions &amp; Medication Administration policy</li> <li>• Acceptance &amp; Refusal of Authorisation policy</li> <li>• Communication with Families policy</li> <li>• Delivery &amp; Collection of Children policy</li> <li>• Enrolment, Bookings &amp; Orientation policy</li> <li>• Management of Complaints policy</li> <li>• Staff Code of Conduct policy</li> <li>• Family Code of Conduct policy</li> <li>• Online Enrolment Form</li> <li>• Family Handbook</li> <li>• Educator online Handbook</li> <li>• Personnel files</li> </ul>
Other	<ul style="list-style-type: none"> <li>• My Time, Our Place</li> <li>• Network Record Keeping Factsheet</li> <li>• Work, Health and Safety Act (2011)</li> <li>• Privacy Act (1988)</li> <li>• Privacy &amp; Personal Information Protection Act NSW (1998)</li> <li>• Child Care Service Handbook (DEEWR)</li> </ul>

## PROCEDURE

### a) Collection of personal information

- Before collecting personal information, the service will inform individuals of the following:
  - The purpose for collecting the information;
  - What types of information will be disclosed to the public or other organisations;
  - When disclosure will happen;
  - Why disclosure needs to occur;
  - How information is stored;
  - The strategies 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 retained; and
  - How information will be disposed of.
- All information regarding the children and their families attending the service is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating the service.
- All information regarding any child/family enrolled in the service will only be accessible to authorised persons. The Approved Provider and the Nominated Supervisor will determine who is authorised to access records.

### b) Retention and Storage of Records

- The Service will ensure that documents set out in the Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2).
- The Approved Provider and/or Nominated Supervisor will develop a practice in relation to the retention and disposal of records.
- In the event that approval of the service is transferred, the requirements of Regulation 184 will be followed.

### c) Disclosure of Information

- Personal information regarding the children and their families is not to be discussed with anyone outside the service, except in circumstances outlined in Regulation 181.
- Families may seek access to the personal information collected about them and their child by contacting the Nominated Supervisor at the service. Children may also seek access to personal information about themselves. However, access may be denied if:
  - where access would impact on the privacy of others;
  - where access may result in a breach of the service's duty of care to the child;
  - or where the child has provided information in confidence.

- Lists of children's or family names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.
- No personal information regarding a staff member is to be given to anyone without their written permission.

**d) Personal Conversations**

- Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in an area that affords them privacy.
- Personal conversations with educators and staff about matters relating to their performance will take place in an area that affords them privacy.

**e) Maintenance of Information**

- The Nominated Supervisor is responsible for maintaining all service records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, for example, Work, Health and Safety, Australian Taxation Office, Family Assistance Office, Department of Education, Employment and Workplace Relations (DEEWR) and for ensuring that information is updated regularly.
- The service takes all reasonable precautions to ensure personal information that is collected, used and disclosed is accurate, complete and up to date.
- Individuals will be required to advise the service of any changes that may affect the initial information provided.

**f) Unsolicited personal information**

- If unsolicited personal information reaches us in the form of email, letter, resume, etc, they will be destroyed or deleted immediately
- If resumes do not form any use to us at the time of receiving them, the applicant will be asked if they would like us to keep their information on file or delete it

**g) Exchanging of information**

- Maroubra Junction Public School is permitted to exchange any information on any child that is enrolled within the school without permission from the child's family.
- If the service requires information to be exchanged with the school or from the school, families are required to fill out an *Information Exchange Permission Form*. This allows the service to discuss matters of child development, behaviour management, child protection, or anything else that allows the service to provide better care for children and families.
- The legal framework for information exchange allows us to share information relating to the safety, welfare or wellbeing of children or young people without consent. It takes precedence over the protection of confidentiality or of an individual's privacy because the safety, welfare and wellbeing of children and young people is considered to be paramount. However, while consent is not necessary, it should be sought where possible.