



Confidentiality

Approval: September 2021
Review: September 2023

POLICY STATEMENT:

Privacy is acknowledged as a fundamental human right. Our Service has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Early Childhood Code of Ethics, Education and Care Services National Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

Bondi Before and After School Care 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, staff 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.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.1	Service philosophy and purposes	A statement of philosophy guides all aspects of the service's operations.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
168	Education and care services must have policies and procedures
181	Confidentiality of records kept by approved provider
181-184	Confidentiality and storage of records

RELATED LEGISLATION

Child Care Subsidy Secretary's Rules 2017

Family Law Act 1975

A New Tax System (Family Assistance) Act 1999

See all related legislation for Child Care Provider Handbook in Appendix 1

<https://www.education.gov.au/child-care-provider-handbook-0>

RELATED POLICIES & DOCUMENTATION

Communication with Families

Dealing with Medical Conditions &

Administration of medication

Enrolment and Orientation

Fees

Governance and Management

Interactions with Children

Management of Complaints

📄 Educators Handbook.Editable (2).pdf

📄 2020 Family Handbook.pdf

📄 Volunteers Handbook.pdf

PROCEDURES:

(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 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 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 families 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 his/her 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.

SOURCE

- Australian Childcare Alliance. (2019). Changes to Australia's privacy law: What ECEC services need to know:
<https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know>
- Australian Children's Education & Care Quality Authority. (2014)
- Australian Government Office of the Australian Information Commission – Australian Privacy Principles:
<https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>
- Early Childhood Australia Code of Ethics. (2016).
- Education and Care Services National Law Act 2010. (Amended 2018).
- [Education and Care Services National Regulations](#). (2011).
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
- Guide to the National Quality Framework. (2017). (Amended 2020).
- *Privacy Act 1988*.
- Revised National Quality Standard. (2018).
- UN General Assembly (1989) United Nations Convention of the Rights of a child

REVIEW

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
September 2018		September 2020
September 2020	<ul style="list-style-type: none"> • No changes made 	September 2022
July 2021	<ul style="list-style-type: none"> • Reformatted to add Regulations and Quality Areas • Additional sources added • Additional Related Policy & documents added • Added Policy Reviewed table 	September 2022
	<div data-bbox="475 772 1007 808" style="border: 1px solid #ccc; border-radius: 5px; padding: 2px; display: inline-block;">  Confidentiality: Policy In Review 2021 </div>	