

Privacy and Confidentiality

SWISH Education

Background

Effective partnerships with all stakeholders are central to the provision of high quality education and care for children. These partnerships are based on trust and are demonstrated by open and honest communication that is respectful of, and sensitive to, cultural or other differences.

The communication needed in high quality childcare can only be achieved when stakeholders are convinced that the privacy and confidentiality of the information they provide are upheld.

Policy statement

This Policy outlines the Service's practices in maintaining the privacy and confidentiality of all records and information about individual children, families, parents, staff/educators students and volunteers in the Service.

Strategies and practices

- The Service collects, stores, discloses, and disposes of all personal information according to the National Privacy Principles which are contained in Schedule 1 of the *Privacy Act 1988 (Commonwealth)* and all other relevant legislation.
- The Service only collects personal information that is necessary to deliver high quality education and care to the children enrolled in the Service, for related activities, and to meet its regulatory responsibilities.
- Anyone requested to provide personal information to the Service is provided with access to the Privacy and Confidentiality Policy.
- Private and confidential information is collected and recorded solely for the benefit of the children and staff of SWISH. All information requested will be necessary for the holistic protection of the child

Children

- Information about children is collected to ensure that their carers have complete knowledge of what will be necessary for each individual child specialised education and care. These details include:
 - Contact details (known to director)
 - Health status (known to director and workshop teacher)
 - Immunisation records (known to director)
 - Developmental records and plans (known to director and workshop teacher)
 - Custodial arrangements (known to director)
 - Incident records (known to director and workshop teacher)
 - Medication records (known to director and workshop teacher)
 - Behaviour guidance management plans (known to director and workshop teacher)

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Families

- All information gathered pertaining to specific families will be necessary for contact identification for payment purposes
 - Address and contact details (known to director)
 - CCB records (known to director of education)

Staff

- All information gathered regarding staff will be for their personal well-being as well as to assess appropriate protective behaviours regarding the child
 - Working with children check's (known to director)
 - Police checks (known to director)
 - Tax details (known to director and accountant)
 - Medical conditions (known to director)
 - Bank details (known to director and accountant)
 - Contact details
 - Recruitment and selection documentation (known to director)
 - Qualifications (known to director)
 - Employment history (known to director)
 - Superannuation details (known director and accountant)
 - Performance reviews (known to director)
 - Health Insurance (known to director of Education)
 - Workers compensation claims (known to director);
 - Immunisation records (known to director of education)
- SWISH does not disclose personal information any third party for marketing or data gathering purposes.
- Personal information about an individual is gathered directly from that person unless the Service has obtained the person's prior consent (e.g. reference checks). If the information pertains to a child (e.g. inclusion support agency, speech therapist), prior written permission is obtained from the parent).
- Collection of personal information will be lawful, fair and not unreasonably obtrusive.
- Personal information is kept in a safe and secure place, retained for the period set out in Regulation 183 of the Education and Care National Regulations, and destroyed when no longer needed. Paper files are stored in locked cabinets and electronic data on computers protected by passwords.
- The Service provides all staff/educators, students and volunteers with verbal and written information about privacy and confidentiality laws, and about their responsibilities in handling personal information.
- Staff/educators, students and volunteers are informed of this *Privacy and Confidentiality Policy* and are given the opportunity to clarify their understanding of the Policy before commencing at the Service. They are required to sign a Confidentiality Agreement to strictly adhere to the Policy.
- Confidential information is exchanged between educators when required in the normal course of work at the Service to meet the education and care needs of children. However, educators are not otherwise permitted to divulge any information about a child to anyone other than the parent, nor about the child's family to anyone, without the prior written approval of the parent. The exception to this is a demand under an Act or law.

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- Educators will maintain the privacy and confidentiality of other educators by not relating personal information about them to anyone either within or away from the Service.
- Students/Volunteers are not permitted to remove any Service documents or to use information gained at the Service without the Nominated Supervisor's written consent. They are not permitted to discuss children attending the Service, the families or the educators away from the Service (e.g. TAFE, training organisations), or to use their names in any assignments.
- The Service ensures the personal information collected, used or disclosed, is accurate, complete and up-to-date. Enrolment details are updated whenever a change in circumstance occurs. Similarly, staff details are updated as changes occur.
- Individuals can apply in writing to access the personal information they have provided to ensure its accuracy, completeness and currency. The Nominated Supervisor will arrange a suitable time for this access and will remain with the individual for the duration. (Access to information beyond that provided by the individual is subject to Freedom of Information processes.)
- Should the Service become aware of reasonable grounds to believe an eligible data breach likely to place individuals at risk of serious harm has occurred, the Approved Provider/Nominated Supervisor will immediately notify the individuals at risk and recommend steps they should take in response to the breach. It will also notify the Office of the Australian Information Commissioner via its online Notifiable Data Breach statement — Form.
- Educators are to ensure they document information about children's learning and development accurately, inclusively, sensitively and respectfully.
- The name and contact details of the Approved Provider are displayed in the entrance of the Service and are contained in the Parent Handbook.
- The Nominated Supervisor/Approved Provider adheres to the Service's *Complaint Policy* when responding to complaints about privacy and confidentiality matters. Should any issue remain unresolved, the Nominated Supervisor/Approved Provider advises the complainant of their right to lodge an appeal with the Office of the Australian Information Commissioner, GPO Box 5218 Sydney 1042 or GPO Box 2999 Canberra ACT 2601, or to telephone the Office of the Australian Information Commissioner on 1300 363 992.

Responsibilities of parents

- To immediately raise any concerns about the Service's management of privacy and confidentiality with the Nominated Supervisor/Approved Provider.

Procedures and forms

- Confidentiality Agreement

Links to other policies

- Educational Program Policy
- Enrolment and Orientation Policy

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- Interactions with Families Policy
- Programming Policy
- Professionalism and Ethics Policy

Links Education and Care Services National Regulations 2011, National Quality Standard 2011

Regs	177	Prescribed enrolment and other documents to be kept by approved provider
	181	Confidentiality of records kept by approved provider
	183	Storage of records and other documents
	184	Storage of records after service approval transferred

QA	1.3.1	Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analysing learning, documentation, planning, implementation and reflection
	3.1.1	Outdoor and indoor spaces, buildings, fixtures and fittings are suitable for their purpose, including supporting the access of every child
	4.2.2	Professional standards guide practice, interactions and relationships
	5.1.2	The dignity and rights of every child are maintained
	6.1.1	Families are supported from enrolment to be involved in the service and contribute to service decisions
	7.1.2	Management systems are in place to manage risk and enable the effective management and operation of a quality service

Sources

- Education and Care Services National Regulations 2011
- Freedom of Information Act 1989 (Commonwealth)
- Guide to the National Quality Standard 2011
- Privacy Act 1988 (Commonwealth)

Further reading and useful websites

- Australian Childcare Alliance. *Changes to Australia's privacy law – What ECEC services need to know.* <https://www.australianchildcarealliance.org.au/index.php/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know>
- Office of the Australian Information Commissioner. *How do I make a privacy complaint?* <http://www.oaic.gov.au/privacy/making-a-privacy-complaint> accessed 23 December 2017
- Office of the Australian Information Commissioner. *Privacy fact sheets.* <http://www.oaic.gov.au/privacy/privacy-resources/privacy-fact-sheets/> accessed 23 December 2017
- Office of the Australian Information Commissioner. *Notifiable Breaches Scheme.* <https://www.oaic.gov.au/> accessed 30 December 2017
- Office of the Australian Information Commissioner. *Notifiable Data Breach Form.* <https://forms.uat.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB> accessed 31 December 2017
- Office of the Australian Information Commissioner – <http://www.oaic.gov.au/> accessed 23 December 2017
- UNICEF – <http://www.unicef.org/> accessed 23 December 2017

Policy review

The Service encourages staff and parents to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and

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any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Version	Date Reviewed	Approved By	Comments/Amendments	Next Review Date
1	8 January 2018	Dr Brenda Abbey (Author)	Updated to changed NQF requirements 1 February 2018. Service to modify policies to its specific needs.	
2	1 May 2018	Rebecca Evans	Updated to support SWISH procedures.	1 May 2019