Privacy and Confidentiality Policy

DOCUMENT CONTROL	
Policy area:	Enhance
Policy owner:	Enhance Family Day Care
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Purpose

To ensure that the confidentiality of information and files relating to the children, families, staff, and visitors of Enhance FDC services is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff, and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records. We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information. Enhance FDC takes data integrity very seriously, we strive to assure all records and data is protected from unauthorised access and that it is available to authorised persons when needed.

Policy

Privacy is acknowledged as a fundamental human right. Enhance FDC 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, National Education and Care Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, Educators, and other staff of Enhance services will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All Educators and staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

NATIONAL QUALITY STANDARD (NQS)

Quality Area 7: Governance and Leadership: 7.1, 7.1.1, 7.1.2, 7.1.3, 7.3

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

Scope

This policy applies to the Approved Provider, Enhance Family Day Care Team and Educators

Implementation

Under National Law, Section 263, Early Childhood Services are required to comply with Australian privacy law which includes the Privacy Act 1988 (the Act) aimed at protecting the privacy of individuals. Schedule 1 of the Privacy Act (1988) includes 13 Australian Privacy Principles (APPs) which all services are required to apply. The APPs set out the standards, rights, and legal obligations in relation to collecting, handling, holding and accessing personal information.

The Notifiable Data Breaches (NDB) scheme requires Enhance FDC to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy

Commissioner) and affected individuals of any data breaches that are 'likely' to result in 'serious harm'.

In this instance, if there is reason to believe that an eligible data breach may have occurred, Enhance FDC 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 breach of an Australian Privacy Principle is viewed as an 'interference with the privacy of an individual' and can lead to regulatory action and penalties.

Enhance FDC will:

- Ensure that Educators and services act in accordance with the requirements of the Australian Privacy Principles and Privacy Act 1988 by developing, reviewing, and implementing procedures and practices that identify:
    - What information Enhance FDC collects and the source of information.
    - Why the information is collected
    - Who will have access to information
    - Any law that requires the particular information to be collected
    - Adequate and appropriate storage for personal information collected by Enhance FDC
    - Collection, storage, use, disclosure, and disposal of personal information collected by Enhance FDC
    - Protection of personal information from unauthorised access.
- Provide Staff and Educators with relevant information regarding changes to Australian privacy law and Service policy.
- Ensure all relevant staff understand the requirements under Australia's privacy law and Notifiable Data Breaches (NDB) scheme.

- Maintain currency with the Australian Privacy Principles
- Ensure personal information is protected in accordance with our obligations under the Privacy Act 1988 and Privacy Amendments (Enhancing Privacy Protection) Act 2012
- Ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations
- Regularly back-up personal and sensitive data from computers to protect personal information collected.
- Ensure all computers are password protected and install security software and antivirus protection.
- Ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations
- Ensure the appropriate and permitted use of images of children.
- Ensure all employees, students, volunteers, and families are provided with a copy of this policy.
- Deal with privacy complaints promptly and in a consistent manner, following the Enhance FDC's Grievance Policy and procedures.
- Ensure families only have access to the files and records of their own children.
- Ensure information given to Educators will be treated with respect and in a professional and confidential manner.
- Ensure individual child, Educator and staff files are stored in a locked and secure cabinet.
- Ensure information relating to staff employment will remain confidential and available only to the people directly involved with making personnel decisions.
- Ensure that information shared with the Enhance FDC or an Educator by the family will be treated as confidential unless told otherwise.

Educators will:

- Adhere to Enhance FDC policies and procedures.
- Ensure volunteers and families are aware of the Privacy and Confidentiality Policy
- Ensure written consent is obtained from parents and/or guardian of children who will be photographed or videoed by an Educator or service representative.
- Ensure documented information and photographs of children are kept secure but may be accessed at any time by the child's parents or guardian.
- Ensure families only have access to the individual files and records of their own children and where children appear in group records, that access will only be granted to families of children in that group.

- Ensure that information shared by the family will be treated as confidential unless told otherwise.
- Ensure only necessary information regarding the children's day-to-day health and wellbeing is given to non-primary contact educators, for example, food allergy information.
- Ensure that information provided to Educators will be treated with respect and in a confidential and professional manner.
- Not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- Treat private and confidential information with respect in a professional manner
- Always maintain individual and Service information and store documentation according to this policy.
- Not share information about the individual or service, management information, or other staff as per legislative authority.

Australian Privacy Principles - Personal Information

Enhance FDC is committed to protecting personal information in accordance with our obligations under the Privacy Act 1988 and Privacy Amendments (Enhancing Privacy Protection) Act 2012.

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

Source: OAIC-Australian Privacy Laws, Privacy Act 1988

Personal information will be collected and held securely and confidentially about you and your child to assist our Service provide quality education and care to your child whilst promoting and maintaining a child safe environment for all stakeholders.

Personal information our Service may request regarding enrolled children:

- ☐ Child's name
- ☐ Gender
- ☐ Date of birth
- ☐ Address
- ☐ Birth Certificate
- ☐ Religion
- ☐ Language spoken at home.
- ☐ Emergency contact details and persons authorised to collect individual children.

- ☐ Children's health requirements
- ☐ Immunisation records- (Immunisation History Statement)
- ☐ Developmental records and summaries
- ☐ External agency information
- ☐ Custodial arrangements or parenting orders
- ☐ Incident reports
- ☐ Medication reports
- ☐ Child Care Subsidy information
- ☐ Medical records
- ☐ Permission forms – including permission to take and publish photographs, video, work samples
- ☐ Doctor's contact information
- ☐ Centrelink Customer Reference number (CRN)
- ☐ Dietary requirements

Personal information our Service may request regarding parents and caregivers:

- ☐ Parent/s full name
- ☐ Address
- ☐ Phone number (mobile & work)
- ☐ Email address
- ☐ Bank account or credit card detail for payments
- ☐ Centrelink Customer Reference number (CRN)
- ☐ Custody arrangements or parental agreement

Personal information our Service may request regarding staff and volunteers:

- ☐ Personal details
- ☐ Tax information
- ☐ Banking details
- ☐ Working contract

- ☐ Emergency contact details
- ☐ Medical details
- ☐ Immunisation details
- ☐ Working With Children Check verification.
- ☐ Educational Qualifications
- ☐ Medical history
- ☐ Resume
- ☐ Superannuation details
- ☐ Child Protection qualifications
- ☐ First Aid, Asthma and Anaphylaxis certificates
- ☐ Professional Development certificates
- ☐ PRODA related documents such as RA number and background checks

Method of Collection

Information is generally collected using Enhance FDC enrolment forms at the time of enrolment.

Additional information may be provided to Enhance FDC through email, surveys, telephone calls or other written communication.

Information may be collected online through the use of software such as CCS software (Harmony) or other program software (FDSee).

How we protect your personal information

To protect your personal and sensitive information, we maintain physical, technical, and administrative safeguards.

All hard copies of information are stored in children's individual files in a locked cupboard.

All computers used to store personal information are password protected. Each FDC educator and staff member will be provided with a unique username and password for access to CCS software and program software. Educators and staff will be advised not to share usernames and passwords.

Access to personal and sensitive information is restricted to key personal only.

Security software is installed on all computers and updated automatically when patches are released.

Data is regularly backed up on external drive and/or through a cloud storage solution.

Any notifiable breach to data is reported.

All staff are aware of the importance of confidentiality and maintaining the privacy and security of your information.

Procedures are in place to ensure information is communicated to intended recipients only, example invoices and payment enquiries.

Access to personal and sensitive information

Personal and sensitive information about Enhance Educators, staff, families, and children will be always stored securely. Families who have access to enrolment or program information online will be provided with a unique username and password. Families will be advised not to share username and passwords.
Enhance FDC will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

The extent necessary for the education and care or medical treatment of the child to whom the information relates.

- A parent of the child to whom the information relates, except in the case of information kept in a staff record.
- The Regulatory Authority or an authorised officer
- As expressly authorised, permitted, or required to be given by or under any Act or Law
- With the written consent of the person who provided the information.

Disclosing personal and sensitive information

Enhance FDC will only disclose personal or sensitive information to:

- A third-party provider with parent permission (for example Child Care Subsidy (CCS) software provider).
- Child Safety Office and Regulatory Authority as per our Child Protection and Child Safe Environment Policies.
- A parent of an enrolled child where there is a court order related to access information.
- Any personal information appearing in a document as listed below that is related to a person listed below, will not be disclosed to a parent of an enrolled child without the written consent of the person to whom the information relates.
- The person to whom the information relates can withdraw their consent in writing at any time before the personal information is disclosed.

N.B. *Personal Information* here has the same meaning as in the Privacy Act of 1988 of the Commonwealth.

Enhance FDC will:

- Ensure such information is disclosed only with written consent of persons to whom the information relates.

Educator will:

- Ensure they do not disclose any such information without written consent.

- Ensure they notify their Practice Mentor as soon as is practicable should they receive any such request for information.

Listed persons:

- Parent of an enrolled child (not the parent making the request)
- The enrolled child's emergency contacts (as supplied in writing by the family)
- An authorised nominee of an enrolled child
- A person authorised to do any/all of the following.
    - to consent to medical treatment or authorise administration of medication to an enrolled child.
    - to authorise an educator to take an enrolled child outside the service premises.
    - to authorise the service to transport or arrange transportation of an enrolled child.

Documents relating to personal information applicable:
From Regulation 177 (1) - Prescribed enrolment and other documents to be kept by approved provider

(a) the documentation of child assessments or evaluations for delivery of the educational program.

(b) an incident, injury, trauma, and illness record:

(c) a medication record:

(d) a record of assessments of family day care residences and approved family day care venues conducted.

(f) a record of volunteers and students.

(g) the records of the responsible person at the service.

(j) in the case of a family day care service, a record of staff engaged or employed by the service.

(k) a children's attendance record.

(l) child enrolment records.

(m) a record of the service's compliance with the Law.

(n) a record of each nominated supervisor and any person in day-to-day charge of the education and care service.

Complaints and Grievances

If a parent, child, Educator, staff member or volunteer has a complaint or concern about Enhance FDC, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact the General Manager of Children Services so reasonable steps to investigate the complaint can be made and a response provided.

If there are further concerns about how the matter has been handled, please contact the Office of Australian Information Commissioner on 1300 363 992.

Variations

FDCAQ reserves the right to vary, replace or terminate this Policy.

Links to associated documents	Australian Children's Education & Care Quality Authority. (2012). *How to Develop and Update Policies Successfully (without the stress).* Education and Care Services National Regulations. (2011). Guide to the National Quality Framework. (2017). (Amended 2020). Kearns, K. (2017). *The Business of Childcare* (4th Ed.). Revised National Quality Standard. (2018).
Acknowledgements and references	<Links/Nil>

Versions

Version	Approval date	Authorised by	Effective date	Last reviewed	Next review date
1	14.01.2022	General Manager, Enhance Family Day Care	21.02.2022	NEW POLICY	February 2025
2	30.09.2023	General Manager, Enhance Family Day Care	1.10.2023	24.8.2023	1.10.2024
3	12.09.2024	General Manger, Enhance	13.09.2024	12.09.2024	1.09.2026