

PLC SYDNEY PRESCHOOL

PRIVACY AND CONFIDENTIALITY POLICY

POL7.5.1.

Name of Policy	PLC PRESCHOOL PRIVACY AND CONFIDENTIALITY POLICY
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1 RELATED LEGISLATION AND REFERENCES

This information refers to Quality Area 7 of the National Quality Standards: GOVERNANCE AND LEADERSHIP.

- *Education and Care Services National Law Application Act 2010*
- *Education and Care Services National Regulations 2011/181* Privacy Act 1988 (Cth) www.oaic.gov.au/law/act
- *Children and Young Persons Care and Protection Act 1998*
- *Australian Privacy Principles* www.oaic.gov.au

2 INTRODUCTION

PLC Sydney Preschools respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships.

The PLC Sydney Preschool requires personal information from families to provide appropriate and responsive care. This policy has been developed to comply with the Australian Privacy Principles (APPs) (2014) and pursues the highest standard in the protection and preservation of privacy and confidentiality.

3 OUTCOMES

The PLC Sydney Preschool will:

- Maintain private and confidential files for educators and staff, children and their families. The Preschool will develop systems for the appropriate use, storage and disposal of records.
- Ensure the information in these files is used only for the education and care of the child enrolled in the Preschool, and only shared with relevant or authorised people as defined within authorisations of the Education and Care Services National Regulations.

4 STRATEGIES

The PLC Sydney Preschool aims to meet the outcomes through the adoption of this specific **Privacy and Confidentiality Policy** and the Privacy Collection Statement which will guide the practices in this area.

4.1 COLLECTION OF INFORMATION

The Approved Provider will:

- Ensure that each family, staff, volunteer, work placement student and management committee member are informed regarding privacy collection upon enrolment, that includes details about how they can access their personal information, have this corrected as needed, make a complaint about a breach of privacy, if one occurs.
- Ensure each staff member, committee members, volunteers and student information is correct in personnel and other files. This includes information on qualifications, WWCC, criminal history checks, staff entitlements, contact and emergency information, health and immunisation information, and any relevant medical and legal information. This would include any other relevant information collected by the Preschool.
- Ensure that information collected from families, educators, committee members and the community is maintained in a private and confidential manner at all times.
- Ensure that such information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined as appropriate in the *Education and Care Services National Regulations, 181*, which says information can be communicated:
 - To the extent necessary for education, care or medical treatment of the child;
 - To the parent of the child to whom the information relates (except for information in staff records);
 - To the regulatory authority or an authorised officer; As authorised, permitted or required to be given by or under any act or law; and
 - With written consent of the person who provided the information.
- Ensure families are informed upon enrolment how images/photographs of their children will be used on the Internet and/or publications.
- Provide families with information on the Complaints and Feedback Procedure if any privacy or confidentiality procedure has been breached. Individuals can make a complaint to the Approved Provider if they believe there has been a breach of their privacy in relation to the Privacy principles. The breach will be assessed by the Approved Provider within 14 days. Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between the Approved Provider and the individual to resolve the situation, in line with the Complaints and Feedback Procedure.
- Will ensure information provided by families, staff and committee members is only used for the purpose for which it was collected.

The Nominated Supervisor (or Preschool Director) will:

- Ensure each families' information is correct in enrolment records. This includes information on immunisation updates, income and financial details (credit card or bank information), contact details of family and emergency contact information, children's developmental records, Family Assistance information, and any medical or legal information, such as family court documentation required by the Preschool. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law and other relevant information collected to support the enrolment of a child.
- Provide families with details on the collection of personal information collected:

This information will include:

- The types of information collected by the school.
- The purpose of collecting information.
- What types of information will be disclosed to the public or other agencies and when and why disclosure may occur.
- How the information is stored at the school.
- Approaches 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 archived; and
- How information is disposed.

4.2 STORAGE OF INFORMATION

- Ensure that the Preschool records, personnel records, CCB information and children's and families information is stored securely, reducing the opportunity for unauthorised access, use or disclosure and remains private and confidential within the Preschool at all times.

4.3 ACCESS TO INFORMATION

- Ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than, medical and developmental information that is required to adequately provide education and care for the child, the Department of Education and Communities, or an authorised officer or as permitted or required by any Act or Law.
- Individuals will be allowed access to their personal information as requested. Individuals must request this information in writing from the Nominated Supervisor. Authorised persons may request to view any information kept on their child.
- Information may be denied under some conditions, such as if it could compromise the privacy of another individual, the request is frivolous or

vexatious and relates to legal issues, or there are legal reasons not to divulge the information e.g. in cases of custody and legal guardianship.

Educators will:

- Maintain children’s information and store documentation according to policy at all times.
- Not share information about the Preschool, management information, other Educators or children and families, without written permission or legislative authority.
- In keeping with the Early Childhood Australia (ECA) Code of Ethics (2008), the Education and Care Services National Regulations and the Privacy Legislation, Educators and staff employed by the PLC Sydney Preschool are bound to respect the privacy rights of children enrolled and their families, Educators and staff and their families and any other persons associated with the Preschool. Educators will sign the PLC Sydney Code of Conduct which includes a confidentiality statement as it relates to privacy and confidentiality of information.

5 POLICY EVALUATION AND REVIEW

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every two years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with *R. 172 of the Education and Care Services National Regulations*, the Preschool will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family’s ability to utilise the service; the fees charged or the way in which fees are collected.

Policy review date	Modifications	Next review date
March 2020	Checked for currency (Head of Compliance)	August 2023
May 2021	Clarified management committee title	August 2023