

# Privacy and Confidentiality



## Policy Objective

For Hawthorn Child Care Centre to respect the privacy and confidentiality of all staff, educators, families, and children.

## Implementation

In order to provide children and families with the highest standard of service, Hawthorn Child Care Centre is required to collect personal information about families and their child/ren before and during the course of a child's enrolment in the service. We are committed to protecting your privacy and the Centre's practices are consistent with the Australian National Privacy Principles contained with the Privacy Act. Privacy of your personal information is important to us and we conduct our business with respect and integrity.

We assure you that:

- This information will only be used by our childcare professionals in order to deliver your child's care to the highest standards.
- It will not be disclosed to those not associated with the care of your child without your express consent.
- You may ask to seek access to the information held about you and your child and we will provide access without undue delay.
- We will take reasonable steps to protect this information from misuse or loss and from unauthorised access or disclosure.
- Our management, staff and educators are committed to respecting these principles at all times.

All privacy related comments, feedback, or complaints should be directed to the Centre's Director or Assistant Director.

We will follow up any comments, feedback, or complaints within 14 days and resolve them to maintain our high standard of service provision

Personal information collected by the service be stored in a safe and secure location for the relevant time periods as set under regulations, and only made accessible to relevant individuals. Family information is stored in the Centre office which has an automatically locking door with coded access.

Our Privacy Notice and Disclosure Statement are at the end of this policy.

## Collection of Information

We collect personal information that is necessary for us to carry out service operations, or to comply with our legal obligations. This includes information required to comply with the National Education and Care Law and Regulations and to promote learning under the Early Years Learning Framework. Information may also be collected to comply with other laws including state or territory health laws.

During the enrolment process the Approved Provider or Nominated Supervisor will:

- Explain what personal information we need to collect, why we need to collect it, whether the information is required or authorised by Law, and how it may be shared.

- Advise families about our Privacy and Confidentiality policy and how to access it.
- Attach a copy of our Privacy Notice to our Enrolment Form and other forms we use to collect personal information.
- Verbally advise children's emergency contacts and authorised nominees that we have some of their personal information on file and explain the advice in the Privacy Notice.
- Explain the advice in the Privacy Notice to individuals who provide personal information verbally (e.g. by phone).

Personal information includes but is not limited to name, address, date of birth, gender, family contact details, emergency contact details, authorised nominee details, parent occupations, cultural background, home language, religious beliefs, payment details, child care subsidy information, immunisation records, medical information, medical management plans, photos of children and family members, and information about children's strengths, interests, preferences and needs, including additional needs. Personal information also includes government related identifiers like Medicare numbers and CCS references.

We usually collect personal information directly from a parent or guardian either in writing or verbally, for example during enrolment, when completing waiting list applications, or as we establish a partnership with families in caring for and educating a child. We may also collect information through our website, Family Law court orders or agreements, additional needs agencies, and training courses.

We may occasionally request information from other organisations which you would reasonably agree is necessary for us to educate and care for a child. For example, we may request a copy of a child's immunisation records where they are transferring to us from another service, or from an allied health professional or health professional/organisation. We will not request information without obtaining the consent of the individual (or parent/guardian) concerned.

In most cases, if we are unable to collect relevant personal information, we will be unable to enrol a child at Hawthorn Child Care Centre.

The Approved Provider or Nominated Supervisor will advise individuals about any unsolicited personal information we receive from other organisations and keep because it is directly related to our functions and activities (unless we are advised not to by a Government authority). The Approved Provider or Nominated Supervisor will destroy any unsolicited personal information that is not directly related to our Service operations unless it adversely impacts the health, safety and wellbeing of a child or children at the service. If this happens the Approved Provider or Nominated Supervisor will contact the appropriate Government authorities and take action as directed while protecting the confidentiality of the individuals concerned.

### Use or Disclosure of Personal Information

We will not use personal information for any purpose that is not reasonably needed for the proper or effective operation of the service. Personal information may be accessed by, and exchanged with, the staff educating and caring for a child or by administrative staff.

We do not disclose your personal information to others unless you would have reasonably expected us to do this or we have your consent. For example, personal information may be disclosed to:

- Emergency service personnel so they can provide medical treatment in an emergency.
- Additional needs educators or inclusion support agencies.
- Volunteers, trainees and work experience students (with consent).

- Trainers or presenters if children participate in special learning activities.
- Organisations related to the service (e.g. other services).
- Another service to which a child is transferring where you have consented to the transfer.
- The new operator of the service if we sell our business and you have consented to the transfer of enrolment and other documents listed in Regulation 177 of the National Education and Care Regulations.

We may disclose personal information where we are permitted to or obliged to do so by an Australian law. For example, personal information may be disclosed to:

- Authorised officers when our service is assessed and rated under the National Education and Care Law and Regulations.
- Government employees (e.g. for CCS, immunisation, or Medicare purposes).
- Software companies that provide child care management systems.
- Management companies we may engage to administer the service.
- Software companies that provide tailored computer based educational tools for children.
- Lawyers in relation to a legal claim.
- Officers carrying out an external dispute resolution process.
- A debt collection company we use to recover outstanding fees.
- Authorities if we are taking action in relation to unlawful activity, serious misconduct, or to reduce or prevent a serious threat to life, health or safety.

We do not disclose personal information to any person or organisation overseas or for any direct marketing purposes.

### Quality of Personal Information

The Approved Provider or Nominated Supervisor will take reasonable steps to ensure the personal information we collect, use and disclose is accurate, current and complete. Educators and staff will:

- View original sources of information if practical when information is collected.
- Collect and record personal information in a consistent format, for example using templates for enrolment, incident, injury, trauma and illness, and administration of medication.
- Record the date personal information was collected or updated.
- Update information in our physical or electronic records as soon as it is provided.

In addition, the Approved Provider or Nominated Supervisor will:

- Regularly remind families via the Skoolbag app, emails, or through displays on the service notice boards to update their personal information including emergency contact details and their child's health information.
- Ask parents to update their enrolment details annually, or whenever their circumstances change.

- Verify the information is accurate, current and complete before disclosing it to any external organisation or person.
- Ensure documentation about children and families is based on facts and free from prejudice.

### Security of Personal Information

The Approved Provider or Nominated Supervisor will take reasonable steps to protect personal information from misuse, interference and loss, unauthorised access, modification or disclosure. These steps include:

- Taking responsibility for the security of personal information and regularly checking the practices implemented to protect it. This will include management of access privileges to ensure only people who genuinely need to see personal information can access it.
- Ensuring information technology systems have appropriate security measures including password protection, anti-virus and 'malware' software, and data backup systems.
- Ensuring physical repositories of personal information are secured in the Approved Provider's office which remains locked with a coded door.
- Ensuring all educators and staff are aware of their obligations in relation to the collection, use, and disclosure of personal information, through activities like mentoring, staff meetings or on-line training courses.
- Requiring all educators, staff, volunteers and work experience students to sign a 'Confidentiality Statement' acknowledging that personal information:
  - Can only be accessed if it is necessary for them to complete their job.
  - Cannot be disclosed to other organisations (including colleges or RTOs) or discussed with individuals outside the service including personal family members unless they have written consent from the person (or parent) concerned.
  - Must be stored in compliance with service practices which safeguard its security.
- Ensuring records which we don't need to keep, including unsuccessful job applications and records which fall outside the record keeping timeframes under the National Education and Care Law and Regulations (refer to our Record Keeping and Retention Policy) are destroyed in a secure way as soon as possible by, for example, shredding, incinerating or permanently deleting electronic records including archived or back-up copies. Where possible, the destruction of records containing personal information will be overseen by two staff members.
- 'De-identifying' personal information so that people (e.g. the services' accountant) who require the information may access it without being able to identify individuals. We will do this by blackening out any personal information.
- 'De-identifying' personal information which may come into the public domain. For example, removing identifying names or details from newsletters etc.
- Ensuring staff comply with our social media policy, found in our Staff Obligations and Entitlements policy.
- Ensuring confidential conversations with parents or with staff are conducted in a quiet area away from other children, families and staff.

### Access to Personal Information

Individuals may request access to their (or their child's) personal information and may request the correction of any errors. These requests may be made to the Approved Provider or Nominated Supervisor via:

- Telephone 08 8373 5010
- Email [kidz@chariot.net.au](mailto:kidz@chariot.net.au)
- Mail 110 Belair Rd Hawthorn 5062

Personal information will be provided as soon as possible, and no later than 30 days from a request. We will provide the information in the form requested, for example by email, phone, in person, hard copy, or electronic record unless it is unreasonable or impractical to do this, for example due to the volume or nature of the information.

The Approved Provider or Nominated Supervisor will always verify a person's identity before providing access to the information, and ensure someone remains with the individual to ensure information is not changed or removed without our knowledge.

There is no charge for making a request to access the information. We may however charge a reasonable cost for staff, postage and material expenses if the information is not readily available and retrieving the information takes a lot of time. We will advise you of the cost and get your agreement before we proceed.

There may be rare occasions when we are unable to provide access because we believe:

- Giving access would be unlawful, the information relates to unlawful activity or serious misconduct, or it may prejudice the activities of a law enforcement body.
- There is a serious threat to life, health or safety.
- Giving access would unreasonably affect the privacy of others.
- The request is frivolous or vexatious, for example to harass staff.
- The information relates to legal proceedings (egg unfair dismissal claim) between the Service and the individual.
- Giving access would reveal sensitive information about a commercial decision.

We may, however, provide the information in an alternative way for example by:

- Deleting any personal information which cannot be provided.
- Providing a summary of the information.
- Giving access to the information in an alternative format.
- Allowing the individual to inspect a hard copy of the information and letting them take notes.

We will advise you promptly in writing if we are unable to provide access to the information, or access in the format requested. The advice will include the reasons for the refusal to provide the information (unless it is unreasonable to do this) and information about how to access our grievance procedure.

### Correction of Personal Information

Individuals have a right to request the correction of any errors in their personal information. These requests may be made to the Approved Provider or Nominated Supervisor by:

- Telephone 08 8373 5010
- Email [kidz@chariot.net.au](mailto:kidz@chariot.net.au)
- Mail 110 Belair Rd Hawthorn 5062

The Approved Provider or Nominated Supervisor will take reasonable steps to correct personal information that is inaccurate, out of date, incomplete, irrelevant, or misleading as soon as it is available. The Approved Provider or Nominated Supervisor will:

- Take reasonable steps to ensure information supplied by an individual is correct.
- Verify the identity of an individual requesting the correction of personal information.
- Notify other organisations about the correction if this is relevant, reasonable or practical.
- Advise the individual about the correction to their information if they are not aware.
- If immediately unable to correct an individual's personal information explain what additional information or explanation is required and/or why we cannot immediately act on the information provided.
- If unable to correct the information include reasons for this (for example we believe it's current) and inform the individual about our grievance procedure and their right to include a statement with the information saying they believe it to be inaccurate, out-of-date, incomplete, irrelevant or misleading.
- Correct the information, or include a statement if requested, as soon as possible.

We will not charge you for making a request to correct your personal information or for including a statement with your personal information.

### Data Breaches

Data breaches occur where there is:

- Unauthorised access to, or unauthorised disclosure of, personal information about one or more individuals (affected individuals), or
- Where personal information of affected individuals is lost in circumstances that may give rise to unauthorised access or unauthorised disclosure.

Data breaches may be caused by malicious intentional actions such as a serious cyber security incident; accidental loss; loss from negligence; or loss from improper disclosure.

### Data Breach Notification Requirements (effective as of 22<sup>nd</sup> February 2018)

An Australian Privacy Principle (APP) entity that suspects or is aware of an eligible data breach must conduct a reasonable and expeditious assessment of the circumstances. Once a breach is determined, the APP entity must notify the Privacy Commissioner at the Office of the Australian Information Commissioner (OAIC) and affected individuals as soon as possible. This assessment must take place within 30 days of becoming aware of the eligible breach.

The contents of the notification must include:

- Identification and contact details of the entity;
- A description of the serious data breach;
- The kind/s of information conceived, and

- Recommended steps that affected individuals should take in response to the serious data breach.

To notify a data breach and or gain more information visit this link <https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme>

To prevent a data breach the following steps will be taken by all educators, staff, volunteers and students who access the service's information technology systems and internet:

- Ensuring security measures including password protection, anti-virus and 'malware' software, and data backup systems are present and maintained on all information technology systems
- Not clicking on unknown links which are present in emails or on websites
- Not downloading materials from unknown sources
- Not using personal USBs on service information technology systems
- Not using the main office computer unless a member of Centre management approves its use

### Complaints

If you believe we have breached Privacy Laws or our Privacy Policy you may lodge a complaint with the Approved Provider or Nominated Supervisor by:

- Telephone on 08 8373 5010
- Email [kidz@chariot.net.au](mailto:kidz@chariot.net.au)
- Mail 110 Belair Rd Hawthorn 5062

The Approved Provider or Nominated Supervisor will follow the Service's grievance procedure to investigate the complaint. Individuals who are unhappy with the outcome of the investigation may raise their complaint with the:

- Office Australian Information Commissioner
  - [www.oaic.gov.au](http://www.oaic.gov.au)
  - GPO Box 5218 Sydney NSW 2001 or GPO Box 2999 Canberra ACT 2601
  - Phone 1300 363 992
  - Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

### **Changes to Existing Policy**

No changes made.

### **Regulations**

National Quality Standards 4, 7

Education and Care Services National Regulations 2019

### **Sources**

Education and Care Services National Regulation

Guide to the National Quality Framework January 2020

Privacy Act 1988 (includes Australian Privacy Principles)

United Nations Convention of the Rights of a Child

**Supporting Documentation**

Australian Privacy Principles

Guide to Developing a Data Breach Response Plan

**Review Date:** July 2020

**Next Review Date:** July 2021



## Privacy Notice

Personal information will be managed openly and transparently in a way that protects an individual's privacy and respects their rights under Australian privacy laws.

We only collect or use personal information if this is needed to educate and care for the children at the service, or to comply with our legal obligations. We will take reasonable steps to make sure you know we have your personal information, how we got it and how we'll handle it.

We collect most personal information directly from a parent or guardian. We may also collect information through Family Law court orders or agreements, additional needs agencies, and training courses. We may occasionally request information from other organisations which you would reasonably agree is necessary for us to educate and care for a child.

The information collected includes information required under the National Education and Care Law and Regulations or needed to promote learning under the Early Years Learning Framework. This includes but is not limited to name, address, date of birth, gender, family contact details, emergency contact details, authorised nominee details, parents' occupations, cultural background, home language, religious beliefs, payment details, child care subsidy information, Medicare number, immunisation records, medical information and medical management plans, photos of children, and information about children's strengths, interests, preferences, and needs, including additional needs.

We do not disclose personal information to others unless you would reasonably expect us to do this, we have your consent, or we are complying with an Australian law.

We aim to keep the personal information we hold accurate, up-to-date, and complete. This enables us to provide high quality education and care and ensure the health and safety of children, including being able to contact you in the event of an emergency.

We have systems and practices in place to ensure personal information is secure and can only be accessed by those who need the information or may legally access it.

You have the right to access your personal information. There are some circumstances under Australian privacy laws where we may not be able to give you access. We will tell you if this is the case. There is generally no cost for accessing your information. We will tell you if there is a charge before providing access.

Our Privacy Officer for privacy matters, including complaints, is Guitta Ackarie who may be contacted by telephone on 08 8373 5010; email at [kidz@chariot.net.au](mailto:kidz@chariot.net.au); or by mail at 110 Belair Rd Hawthorn SA 5062.

We will provide a copy of any updates to our Privacy and Confidentiality policy on our service noticeboards and on the Skoolbag app.

## Disclosure Statement

We will not use personal information for any purpose that is not reasonably needed for the proper or effective operation of the service. Personal information may be accessed by, and exchanged with, staff educating and caring for a child or by administrative staff.

We do not disclose your personal information to others unless you would have reasonably expected us to do this, or we have your consent. Personal information may be disclosed to:

- Emergency service personnel where this is necessary to provide medical treatment in an emergency.
- Additional needs educators or inclusion support agencies.

- Volunteers, trainees, and work experience students (with your consent).
- Trainers or presenters if children participate in special learning activities.
- Another service to which a child is transferring where you have consented to the transfer.
- The new operator of the service if we sell our business and you have consented to the transfer of enrolment and other documents listed in Regulation 177 of the National Education and Care Regulations.

We may disclose personal information where we are permitted to, or obliged to do so, by an Australian law. Personal information may be disclosed to:

- Authorised officers when our service is assessed and rated under the National Education and Care Law and Regulations.
- Government employees (e.g. for CCB, immunisation, or Medicare purposes).
- Software companies that provide child care management systems.
- Management companies we may engage to administer the service.
- Software companies that provide computer based educational tools which use a child's personal information.
- Lawyers in relation to a legal claim.
- Officers carrying out an external dispute resolution process.
- A debt collection company we use to recover outstanding fees.
- In reaction to unlawful activity, serious misconduct, or to reduce or prevent a serious threat to life, health or safety. We are obliged to cooperate with law enforcement bodies in some circumstances.