

Tiny Tots Early Learning Centre

Privacy, Security and Confidentiality of Records Policy

Aim

Our education and care service recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. Our service 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.

Legislative Requirements

Australian Privacy Principles (APPs) (2014)
Education and Care Services National Regulations 2011
Privacy Act 1988

Who is affected by this policy

Staff
Management
Child
Families

Implementation

Our education and care service aims to meet these goals through the adoption of this specific Privacy and Confidentiality policy and our Privacy Collection statement which will guide our practices in this area.

The Approved Provider will:

Collection of Information

- ❖ Ensure that each family, staff, volunteers and student is provided with a **Privacy Notice** 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. This can also be accessed on our website at www.service.org.au
- ❖ 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 service.
- ❖ 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 the education, care or medical treatment of the child;

The Nominated Supervisor 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 our education and care service. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child.
- ❖ Provide families with a 'Privacy Notice' when enrolling their child to explain our commitment to Privacy Principles.

Educators will:

- ❖ Maintain children's information and store documentation according to policy at all times.
- ❖ Not share information about the education and care service, 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 our education and care service 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 service. Educators will sign a **Confidentiality Statement** as it relates to privacy and confidentiality of information.

What information do we collect?

We collect personal information directly from you through our enrolment and application processes and sometimes we collect or confirm this information from a third party such as funding agencies of health practitioners.

The private information we are required to collect includes but is not limited to:

- your name, address, date of birth and full name, date of birth and address of the child
- name, address and contact details for:
 - each known parent
 - any emergency contacts
 - any authorised nominee
 - any person who is authorised to consent to medical treatment or administration of medication
 - any person who is authorised to give permission to an educator to remove the child from the education and care service premises
 - details of any court orders, parenting orders or parenting plans
 - gender of the child
 - language used in the child's home
 - cultural background of the child and parents
 - any special considerations for the child, such as any cultural, religious or dietary requirements or additional needs
 - authorisations for:
 - the approved provider, nominated supervisor or an educator (including family day care educator) to seek medical treatment for the child and/or ambulance transportation
 - the service to take the child on regular outings
 - name, address and telephone number of the child's registered medical practitioner or medical service
 - child's Medicare number (if available)
 - details of any specific healthcare needs of the child, including any medical condition, allergies or a diagnosis that the child is at risk of anaphylaxis
 - any medical management plan, anaphylaxis management plan or risk minimisation plan for the child
 - any dietary requirements of the child
 - immunisation status of the child
 - if the approved provider or staff member has sighted a health record for that child, a notation of that fact
 - certificates of immunisation or exemption as required depending on the applicable state or territory jurisdiction.
 - Residential status and proof of identity

Due: Feb 2020

You need to also be aware that when you visit our website, apps or other web-based content and services (“Websites”), either we or our service provider may record information (such as your computer’s IP address and top-level domain name, the type of browser you are using, the date, time and pages accessed) in relation to your visit.

Use and disclosure

We only collect personal information where it is reasonably necessary for one or more of our functions or activities, such as:

- the administering and management of early childhood education and care
- assessing your eligibility for funding support or other benefits.
- complying with any legal or regulatory obligations imposed on us
- performing our necessary business functions.

To do this, some of your private information will be shared with government agencies or funding organisations as required in order to entitle you to access various support if any.

We may also disclose your personal information to organisations that carry out functions on our behalf. This may include for example education software or information technology service providers, professional advisers, regulators and government authorities. Our agreements with these entities ensure this information is only used to carry out functions on our behalf and use your private information for the purpose it was disclosed.

We may also disclose your personal information to an individual or an organisation (a ‘third party’) if:

- You direct us to do so;
- You consent to the third party obtaining the information from us; or
- You consent to the third party accessing the information on our systems, and/or do anything which enables the third party to obtain access.

Your consent to a third party obtaining or accessing information may be implied from:

- Your use of any service or application which a third party provides to you, or makes available to you, which involves the third party obtaining or accessing personal information held by us or organisations like us; or
- You doing anything else which enables the third party to obtain access to the information.

Anonymity

There are limited circumstances where you may be able to deal with us anonymously or by using a pseudonym if you request to do so. Examples include where you are seeking only general information about our services or indicative pricing. In most cases it will not be possible for you to deal with us in this way, or to commence or complete an enrolment application due to the information and identifiers required by regulators and government agencies.

Access and correction

You may request access to your personal information that we hold at any time and request a correction of any errors in that information.

We will also take reasonable steps to amend or correct your personal information to keep it accurate and up-to-date.

Please contact us if you would like to access or request a correction of your personal information.

Storage and security of your personal information

We will take reasonable steps to keep the personal information that we hold about you secure to ensure that it is protected from loss, unauthorised access, use, modification or disclosure.

Your personal information is stored within secure systems that are protected in controlled facilities. Our employees and authorised agents are obliged to respect the confidentiality of any personal information held by us.

You can also help to keep the personal information that we hold about you secure by taking care before you authorise or otherwise assist any third party to obtain or gain access to that information.

Our websites and the use of cookies

Due: Feb 2020

We use our best efforts to ensure that information received via our Websites remains secured within our systems. We are regularly reviewing developments in online security; however, users should be aware that there are inherent risks in transmitting information across the internet.

We use cookies on our Websites. Cookies can make using our Websites easier by storing information about your preferences and enabling you to take full advantage of our services. Cookies are very small text files that a Website can transfer to your computer's hard drive or portable electronic device's memory for record keeping.

We may also use Cookies so that we can determine which parts of our Websites are visited most often, or whether you visited our site from a banner advertisement for one of our products or services on another party's website, and other sites you may visit from our Websites.

Sometimes Cookies are used by a third-party service provider with whom we have an agreement to monitor the success of our marketing campaigns. The third-party service provider uses the Cookies to collect information such as when you visited our site, your browser type and the server that your computer is logged in to.

The information is used in an aggregate form and generally no personal information is collected by the third-party service provider. Our agreements with these third parties ensure this information is only used to carry out functions on our behalf, and if any personal information is collected the confidentiality of that information is maintained.

We may also use Cookies so that we can see which parts of our Websites you visit when you access those Websites. We may use this information for marketing products and services to you. We keep this information confidential and we do not disclose it to third parties.

Most internet web browsers are pre-set to accept Cookies to enable full use of websites that employ them. However, if you do not wish to receive any Cookies on an internet web browser you may configure your browser to reject them or receive a warning when Cookies are being used. In some instances, this may mean that you will not be able to use some or all of the services provided on our websites. However, you may still be able to access information-only pages.

How we manage a data breach

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure or other misuse.

Data breaches can be caused or exacerbated by a variety of factors and give rise to a range of actual or potential harms to individuals, agencies and organisations.

In the event of any suspected data breach, the matter will be investigated to determine:

- The nature of the breach
- The number of people impacted
- The nature of the breach and extent to which an individual or group may be harmed by the breach
- Remedial action to minimise or prevent impact
- Review of systems to minimise the possibility of future similar breach

De identification and destruction of records

When your child/children leave our service, the following documents and records must be retained by law for the periods of time listed. At the conclusion of that period, the documents and record will be de identified and destroyed.

Type of record	Timeframe	Reference
Child Assessments	Until 3 years after child's last attendance	Regulation 74, 183
Incident, injury, trauma and illness records	Until the child is 25 years old	Regulation 87, 183
Medication record	Until 3 years after child's last attendance	Regulation 92, 193
Child's Attendance	Until 3 years after child's last attendance	Regulation 158-159, 183
Child enrolment	Until 3 years after child's last attendance	Regulation 160, 183
Death of a child while being educated and cared for by the service	Until 7 years after child's last attendance	Regulation 12, 183

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Staff record	Until 3 years after child's last attendance	Regulation 145
Record of access to early childhood teacher	Until 3 years after child's last attendance	Regulation 152
Record of educators working directly with children	Until 3 years after child's last attendance	Regulation 151
Record of volunteers and students	Until 3 years after child's last attendance	Regulation 149

All other documents and records that are not listed above will be DE identified and destroyed within 30 days of your departure from the service.

Changes to this policy

From time to time, it may be necessary for us to review our Privacy Policy and the information contained in this document. We will notify you of any changes by posting an updated version on our Websites and providing you with a revised copy of the document.

Privacy concerns, complaints or changes to your information

If you have concerns, wish to make a complaint regarding the handling of your personal information by us or if you would like to correct information we currently hold, please contact the services Privacy Officer <name> on <(00) 0000 0000>

If you are not satisfied with the response provided, you may refer your complaint directly to:

Office of the Australian Information Commissioner
Phone: 1300 363 992

Sources

Education and Care Services National Regulations 2017

National Quality standard;
4.2.1, 4.2.2, 4.2.3, 7.3.1, 7.3.2, 7.3.3

Australian Privacy Principles – www.oaic.gov.au

Fair Work Act 2009

United Nations Convention of the Rights of a Child

Early Childhood Australia Code of Ethics 2006

Privacy Regulations 2006

Health Records and Information Privacy Act 2002

Privacy and Personal Information Protection Act 1998

Freedom of Information Act 1989

Health Records and Information Privacy Act 2002

Review

The policy will be reviewed annually. Review will be conducted by management, employees, parents and any interested parties.

Reviewed: Feb 2018

Date for next review: Feb 2020