

### **Authorisation**

This policy was adopted by Hope Early Learning Centre's Company Directors at the Company Directors meeting held 05/05/2008.

### **Purpose**

The purpose of this policy is to state how the centre will:

- All employees, approved providers, centre coordinator, parent/guardians and students/volunteers on placement at the centre will be made aware of the policy and the procedure available for dealing with privacy.

### **Review Date**

This policy shall be reviewed annually on the review date unless required earlier. The review process will take into consideration all educators, families, volunteers, students, maintenance personnel, visitors, cleaners and local community.

### **Scope of the Policy**

This policy applies to anyone who is employed by or works at Hope Early Learning Centre including employees, independent contractors (i.e. no employees, volunteers, directors and others acting on behalf of Hope Early Learning Centre).

### **Definitions**

- Personal Information - is defined as information recorded in any form, which identifies a person or describes them in a way that their identity can be determined. This includes paper and electronic records, photographs, video recordings and surveillance and includes both facts and opinion, if it is about an identifiable person.
- Health Information - The Health Records Act 2001 defines "Health Information" as including information or opinion about a person's physical, mental or psychological health or disability that is also classified as personal information. This includes information or opinion about a person's health status, medical history, fitness levels and vital statistics, such as weight and height.
- Sensitive Information - applies under the Information Privacy Act 2000 and is defined as Information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences or criminal record that is also classified as personal information about an individual. In this policy personal information is referred to as including health information and sensitive information, unless we specify otherwise.

### **Relevant Legislation**

- Education and Care National Services Law
- Education and Care National Services Regulations
- National Quality Standards

### **Background**

The governance of an organisation is concerned with the systems and processes that ensure the overall direction, effectiveness, supervision and accountability of a service. The Company Directors are responsible for setting the directions for the service and ensuring that its goals and objectives are met in line with its constitution, and all legal and regulatory requirements governing the operation of the business are met. Under the National Law and National Regulations. Early Childhood services are required to have policies and procedures in place relating to the governance and management of the service.

### **Policy Statement**

This centre is committed to:

- The personal information handling practices, as required by the applicable legislation, Information Privacy Principle (IPP) 5 and Health Privacy Principle (HPP) 5.

### **Procedures**

#### **1. Privacy**

##### **1.1 Relevant Policy**

- This policy will be implemented in accordance with the services Confidentiality Policy.

##### **1.2 Procedure for distribution of this policy**

- This policy will be available in full at the service; given to all parent/guardians at the time of enrolment; made available on request to anyone who asks for it; provided to all approved providers, centre coordinators, educators and anyone who handles personal information at the service.

##### **1.3 Procedure for types of personal and health information to be collected**

- The service will only collect the information that is needed, and for which the purpose is that it is legitimate and related to one of our functions or obligations. The type of information we collect and hold includes (but is not limited to) personal information, including health information, regarding children and parent/guardians before and during the child's attendance at a service (this information is collected in order to provide and/or administer our services to children and parent/guardians); job applicants, employees members, volunteers and contractors (this information is collected in order to manage the relationship and fulfil our legal obligations); contact details of other parties with which the service deals; video footage of the playrooms and playgrounds (this information is collected as a safety precaution and will only be disclosed in times when the premises has been damaged for insurance purposes or when legally obligated). The service will collect information on the following identifiers Tax File Number for all employees related to the deduction and forwarding of tax to the Australian Tax Office. Failure to provide this would result in maximum tax being deducted; and Customer Reference Number (CRN) for children attending the centre in order for them to access Childcare Benefit. Failure to provide this would result in the parents/guardian not obtaining the Childcare Benefit.
- Personal information provided by individuals either in relation to themselves or their children using the service. We will generally collect personal information about an individual by way of forms filled out by parents/guardians or job applicants, face to face interviews and telephone calls. We will also be collecting surveillance footage of the centre premises for insurance purposes. When collecting personal information we will provide individuals, from whom we collect information, with a copy of our collection statement. If the reason for collecting the information varies from the Collection Statement, the Collection Statement will be amended to cover the area required while still meeting the privacy principle requirements of HPP 1.4 (Health Records Act 2001) and IPP 1.3 (Information Privacy Act 2000).

##### **1.4 Procedure for notification of individuals or the parent/guardians of personal or health information collected**

- What happens when we receive personal information from a source other than the individual or the parent/guardian?
  - The person receiving the information, will notify the individual or the parent/guardian of the child to whom the information relates, of the receipt of this information and as part of the notification, will advise that they have a right to request access to the information. Access will be granted in accordance with the relevant legislation. Please note that the legislation allows us to deny access, in accordance with the limited reasons for denial that are contained in the legislation.

### 1.5 Procedure for use of personal information

- The service will use the personal information collected for the primary purpose of collection. The service may also use the information for such secondary purposes that are related to the primary purpose of collection and can be reasonably expected, or to which the individual concerned has consented. The personal information collected in relation to children; parent/guardians; approved providers; nominated supervisors; educators; job applicants; contractors; and students/volunteers.
- The service will use the personal information collected for the primary purpose of collection. The service may also use the information for such secondary purposes that are related to the primary purpose of collection and can be reasonably expected, or to which the individual concerned has consented. The personal information collected in relation to children; parent/guardians; approved providers; nominated supervisors; educators; job applicants; contractors; and students/volunteers.

Personal information and health information collected in relation to:	Primary purpose of collection	Examples of how the service will use personal information, including sensitive and health information include:
Children and parents/guardians	To enable us to provide for the education and care of the child attending the service	<ul style="list-style-type: none"> <li>• Day to day administration;</li> <li>• Provision of a place for their child in the service;</li> <li>• Duty rosters;</li> <li>• Looking after children’s educational, care, health and safety needs;</li> <li>• For correspondence with parents/guardians relating to their child’s attendance;</li> <li>• To satisfy the service’s legal obligations and to allow it to discharge its duty of care.</li> <li>• Insurance purposes</li> </ul>
Company Director’s	For the management of the service by the Company Director’s	<ul style="list-style-type: none"> <li>• For communication with and between Company Director’s, employees and members of the service;</li> <li>• To satisfy the service’s legal obligations</li> <li>• Insurance purposes</li> </ul>
Job applicants, employees, contractors, volunteers and students	<p>To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be.</p> <p>To administer the employment, contract or placement.</p>	<ul style="list-style-type: none"> <li>• Administering the individual’s employment, contract, or placement, as the case may be;</li> <li>• Health and safety;</li> <li>• Insurance purposes;</li> <li>• Satisfying the service’s legal obligations, for example in relation to the Children’s Services Act 1996 and the Children’s Services Regulations 2009.</li> <li>• Listing the names and qualifications of staff on material provided to prospective users.</li> </ul>

### **1.6 Procedure for disclosure of personal information, including health information**

- We may disclose some personal information held about an individual to:
  - Government departments or agencies as part of their legal and funding obligations.
  - Local Government in relation to enrolment details for planning purposes.
  - Organisations providing services related to staff entitlements and employment.
  - Insurance providers in relation to specific claims.
  - Law enforcement agencies.
  - Health organisations and/or family in circumstances where the person requires urgent medical assistance and is incapable of giving permission.
  - Anyone to whom the individual authorises the service to disclose information.

### **1.7 Procedure for treatment of sensitive information**

- Sensitive information will be used and disclosed only for the purpose for which it was collected or a directly related secondary purpose, unless the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

### **1.8 Procedure for management and security of information**

- To protect the personal information from misuse, loss, unauthorised access, modification or disclosure, the approved provider, centre coordinator and staff will ensure that in relation to personal information:
  - Access will be limited to staff who require this information in order to do their jobs.
  - It will not be left in areas that allow for unauthorised access.
  - Video footage will be destroyed after a twenty-one (21) day period.
  - The physical storage of all materials will be in a secure cabinet or area.
  - Computerised records containing personal or health information will require password access.
  - Information is stored for twenty-four (24) years.
- There is security in transmission:
  - Emails will only be sent to a person authorised to receive this material.
  - Faxes will only be sent to a secure fax, which does not allow unauthorised access.
  - Telephone. Only limited personal information will be provided over the telephone to persons authorised to receive that information.

### **1.9 Procedure for data quality**

- The service will endeavor to ensure that the personal information we hold is accurate, complete, up to date and relevant to our functions or activities. It is the responsibility of the parent/guardians to inform the centre in writing as soon as possible whenever any personal information changes.

### **1.10 Procedure for access to information and updating personal information**

- Individuals have the right to ask for access to personal information we hold about them without providing a reason for requesting access. Under the privacy legislation, an individual has the right to ask for access to personal information that the service holds about them; to access this information; and to make corrections if they consider the data is not accurate, complete or up to date.
- There are some exceptions set out in the acts where access may be denied in part or in total. Examples of some of the exemptions are where the request is frivolous or vexatious; providing access would have an unreasonable impact on the privacy of other individuals; providing access would pose a serious threat to the life or health of any person; and the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

### **1.11 Procedure for considering access requests**

- A person may seek access, to view or update their personal/health information if it relates to action on behalf of their child, by contacting the centre coordinator; and for all other requests, by contacting the approved providers.
- Personal information may be accessed in the following way view and inspect information; and obtain a copy.
- Requests for access or to update personal information should in writing nominate the person seeking the information, their current address,, the type of access required, and specifying where possible, what information they seek. No reason is required in relation to why the request is made. The person seeking information, if the company director's or employee does not know them, must provide a visible form of identification.
- Approved Providers and employees will provide access in line with the Privacy Acts. If the requested information is not given, the reasons for denied access will be given in writing to the person requesting the information. In accordance with the legislation we reserve the right to charge for information provided, in order to cover the costs involved in providing the information.

### **1.12 Procedure for anonymity**

- Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with our service.

### **1.13 Procedure for disposal of information**

- Personal information is stored for twenty-four (24) years after which time it is either shredded or destroyed in such a way that no persons can access the information.

### **Key Responsibilities and Authorities**

The Company Directors will:

- Develop and review this policy in consultation with the parent/guardian and educators of the service.
- Authorise any changes to the policy.
- Ensure the policy is implemented.
- Ensure copies of the policy are provided to all families enrolled at the service and employees and those others who are associated with the service.

The Educators will:

- Be responsible for implementing this policy on a required basis.
- Comply with this policy.
- Offer feedback as part of the review process.

### **Related Documents**

- Education and Care National Services Law
- Education and Care National Services Regulations
- National Quality Standards
- Victorian Early Years Learning and Development Framework for all Children from Birth to Eight Years (Department of Education and Training 2016)
- Hope Early Learning Centre – Confidentiality Policy

### **Evaluations**

In order to assess whether the policy has achieved the values and purpose the Company Directors will:

- If appropriate conduct a survey in relation to this policy and/or incorporate relevant questions within the general parent/guardian survey.
- Take into consideration feedback on the policy from educators, parent/guardians, company directors and centre coordinator.
- Monitor complaints and incidents regarding this policy.