



# Springwood and District Preschool Kindergarten

## Privacy and Confidentiality Policy

### **Legislation:**

*Education and Care Services National Law Act 2010*  
*Education and Care Services National Regulation 2018*  
*Commonwealth Privacy Act 1988*  
*Privacy Amendments (Private Sector) Act 2000*  
*Privacy and Personal Information Act 1998*  
*Children and Young Persons (Care and Protection) Act 1998 (NSW)*  
*United Nation Convention on the Rights of the Child 1989*

### **Quality Area 7 Governance & Leadership**

181 Confidentiality of records kept by approved provider  
183 Storage of records and other documents  
168 Education and care service must have policies and procedures

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.

### **Rationale:**

The protection of the privacy and confidentiality of personal and sensitive information collected by Springwood and District Preschool Kindergarten is important. Under the Privacy Act, organisations must take reasonable steps to protect the personal information they hold from misuse and loss and from unauthorised access, modification or disclosure.

### **Aim:**

- To keep all files and records of staff, children and families within the preschool private and confidential.
- To maintain the integrity of information given by parents to staff as private and confidential.
- To keep Springwood and District Preschool Kindergarten management, finances and business operations private and confidential.

### **Procedure:**



**Collecting information**

- Personal information must only be collected and used specifically for the purpose of the preschool's function. Personal information will be collected in a fair and unobtrusive way.
- Persons providing the information will be given appropriate access to their information and be advised about the purpose of the collection of information.
- Collection of information is limited to only the amount of information that is necessary for the preschool's activities. It is generally only collected with the consent of the individual.
- The primary purpose of collecting information about families and children is to enable the preschool to provide children with an individual program of learning and development.
- The primary purpose of collecting information about staff is for adherence to the above Acts and Regulations.
- All parents will be informed of Springwood and District Preschool Kindergarten's Privacy and Confidentiality Policy at enrolment and will sign a declaration allowing the preschool to collect information relevant to the educational needs of their child.
- All telephone conversations will be recorded and filed depending on the sensitive issues and grievances.

**Use and disclosure**

- Personal information/ disclosure of information will only be for the purpose for which it was collected. This is with limited exceptions and can only be used for secondary purposes when it relates specifically to the primary purpose for the collection of information.
- Sensitive information can only be used when informed and continuing consent is obtained at the time the information was collected.
- Springwood and District Preschool Kindergarten discloses personal and sensitive information to the preschool staff, for the specific purpose of administration and education of the child.
- Springwood and District Preschool Kindergarten will obtain parent/ guardian permission before disclosing a child's personal and sensitive information to a professional attending the preschool for the specific purpose of providing a service to the child. This includes Early Intervention Teachers, Speech Therapists, Occupational Therapists, Doctors and Counsellor's.
- Personal information collected about children is regularly disclosed to their own parents and guardians. On occasion, and with prior written consent information such as children's personal achievements, child portfolios and photos are displayed with the boundaries of the preschool.
- Springwood and District Preschool Kindergarten will include details, including emergency contacts in a confidential parent and child information file. Access to this is limited to the staff and boundaries of the preschool.
- It is permissible by law under Chapter 16A of the Care and Protection ACT 1998 to exchange information with government and Non Government Organisations (NGO's) who are prescribed bodies (See Child Protection Policy). This information is related to the child's safety and well being or welfare.
- The Approved Provider of Springwood and District Preschool Kindergarten will ensure that information is collected and maintained in accordance with the Education and Care Services National Law Act and Regulations:
  - Continuing consent is needed for any personal information relating to direct observation of children
  - People are to be given access to information kept about them
  - Only relevant information is collected for lawful purposes. Any irrelevant information is confidentially disposed of



- No unauthorised access is allowed to files of staff and families
- Records will be kept in locked filing cabinets
- Personal information will not be discussed unless:
  - The individual concerned is aware that the information will be disclosed to persons/ organisations or;
  - The individual concerned has given permission or;
  - It is believed to be necessary to the life or health of the individual concerned or;
  - It is required by law or;
  - It is necessary for enforcing criminal law

#### **In regards to children**

- Staff will keep up to date and accurate records regarding the development of each child at preschool. These records are to be placed on the child's file and a copy given to the parents.
- The Director is to ensure that all relevant documents relating to the child and family are maintained and kept in a locked filing cabinet.

#### **In regards to Management**

- Any information that is discussed with Management is deemed confidential and specific to Springwood and District Preschool Kindergarten and should not be disclosed outside the preschool.
- Protection of young children and mandatory reporting must be relayed to the relevant authorities.
- Staff names are not to be discussed outside preschool or meetings.

#### **In regards to Staff**

- Any information that is discussed or disclosed at Springwood and District Preschool Kindergarten by parents, staff or management is deemed confidential and specific to the Privacy Act 1998.
- All staff are mandatory reporters and any information regarding the health, wellbeing and safety of children must be reported to the relevant authority (See Child Protection Policy)

#### **Investigating Complaints of Privacy/ Confidentiality Breach**

- Step 1: Contain the breach and do a preliminary assessment
- Step 2: Evaluate the risks associated with the breach
- Step 3: Consider notification
- Step 4: Prevent future breaches
- Take each situation seriously and move immediately to contain and assess the suspected breach
- The decision on how to respond should be made on a case-by-case basis.
- Notify the Management Committee, staff (if required) and (if not already aware) the persons whose privacy has been breached.
- Notify outside agencies if required.
- If Police are involved do not compromise their investigation (e.g. in the case of theft)
- Conduct a Risk Assessment:
  - Do practices or policies need adjustment or change?
  - Who is at risk of harm, e.g. if personal addresses of staff or parents are accessed?
  - Have there been other breaches that could lead to loss or theft of personal information?



- How could the information be used?
- Is there risk of ongoing breaches?
- Is there evidence of theft?
- Is an action plan to prevent future breaches necessary?
- If individuals in questions are not satisfied with the process they should phone the Office of the Australian Information Commissioner (OAIC):
  - Ph: 1300 363 992
  - TTY: 1800 620 241 (this number is dedicated for the hearing impaired only, no voice calls)
  - Post: GPO Box 5218, Sydney. NSW. 2001.
  - Fax: 02) 9284 9666
  - Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
  - Web: <http://www.oaic.gov.au>

<b>Links to Quality Areas and Standards:</b>	
Quality Area 2	Children's Health and Safety
Standard 2.2	Each child is protected.
Quality Area 4	Staffing Arrangements
Standard 4.1	Staffing arrangements enhance children's learning and development.
4.2 Professionalism	Management, educators and staff are collaborative, respectful and ethical.
Quality Area 5	Relationships with children
5.1 Relationships	Respectful and equitable relationships are maintained with each child.
5.2 Standard	Each child is supported to build and maintain sensitive and responsive relationships
Quality Area 6	Collaborative partnerships with families and communities
6.1 Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.3 Families are supported	Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.
Quality Area 7	Governance and Leadership
7.1 Governance	Governance supports the operation of a quality service.
7.1.2 Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.

**Source:**

Because It Matters P/L

Department of Education, Employment and Workplace Relations (DEEWR) (2018) *Education and Care Services National Regulation*

Department of Education, Employment and Workplace Relations (DEEWR) (2009) *National Quality Standard for Early Education and Care and School Aged Children* Canberra:DEEWR

Office of Australian Information Commissioner. <http://www.oaic.gov.au>

Guide to Handling Personal Information Breached:

[http://www.privacy.gov.au/publications/breach\\_guide.pdf](http://www.privacy.gov.au/publications/breach_guide.pdf)

[http://www.privacy.gov.au/news/media/2008\\_18/html](http://www.privacy.gov.au/news/media/2008_18/html)



*Policy Reviewed by:* \_\_\_\_\_ *Approved by:* \_\_\_\_\_

*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_/\_\_\_\_/\_\_\_\_

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*Next Review Date:* \_\_\_\_/\_\_\_\_/\_\_\_\_

