

## WCS Children's Services ADMINISTRATION – Privacy and Confidentiality Policy

### Purpose

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Effective partnerships with all stakeholders are central to the provision of high quality education and care for children. These partnerships are based on trust and are evidenced by open and honest communication that is respectful of, and sensitive to, cultural or other differences.

The communication needed in high quality childcare can only be achieved when stakeholders are convinced that the privacy and confidentiality of the information they provide are upheld.

### Policy Statement

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This Policy outlines the service's practices in maintaining the privacy and confidentiality of all records and information about individual children, families, parents/guardians, staff/educators, students and volunteers in the Service.

### Strategies and Practices

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- The service collects, stores, discloses, and disposes of all personal information according to the National Privacy Principles contained in the *Privacy Act 1988 (Commonwealth)* and all other relevant legislation.
- The service only collects personal information that is necessary to deliver high quality education and care to the children enrolled in the Service, for related activities, and to meet its regulatory responsibilities.
- Anyone requested to provide personal information to the Service is informed of the following:
  - the information required;
  - why the information is required;
  - the legislation that requires the information to be collected;
  - how the information will be used;
  - who will access the information;
  - under what conditions the information would be disclosed to a third party; and,
  - the main consequences, if any, of not providing all or part of the information requested.
- Personal information about an individual is gathered directly from that person unless the Service has obtained the person's prior consent (e.g. reference checks). If the information pertains to a child (e.g. inclusion support agency, speech therapist), prior written permission is obtained from the parent/guardian.
- Collection of personal information will be lawful, fair and not unreasonably obtrusive.

- Personal information is kept in a safe and secure place, retained for the period set out in the Regulations, and destroyed when no longer needed. Paper files are stored in locked cabinets and electronic data on computers protected by passwords.
- The service provides all staff/educators, students and volunteers with verbal and written information about privacy and confidentiality laws, and about their responsibilities in handling personal information.
- Staff/educators, students and volunteers are informed of this *Privacy and Confidentiality Policy* and are given the opportunity to clarify their understanding of the Policy before commencing at the Service. They are required to sign a Confidentiality Agreement to strictly adhere to the Policy.
- Confidential information is exchanged between educators when required in the normal course of work at the service to meet the education and care needs of children. However, educators are not otherwise permitted to divulge any information about a child to anyone other than the parent, nor about the child's family to anyone, without the prior written approval of the parent. The exception to this is a demand under an Act or law.
- Educators will maintain the privacy and confidentiality of other educators by not relating personal information about them to anyone either within or away from the Service.
- Students/Volunteers are not permitted to remove any service documents or to use information gained at the service without the Supervisor's written consent. They are not permitted to discuss children attending the service, the families or the educators away from the service (e.g. TAFE, training organisations), or to use their names in any assignments.
- The service ensures the personal information collected, used or disclosed, is accurate, complete and up-to-date. Enrolment details are updated annually or whenever a change in circumstance occurs. Similarly, staff details are updated as changes occur.
- Individuals can apply in writing to access the personal information they have provided to ensure its accuracy, completeness and currency. The Supervisor will arrange a suitable time for this access and will remain with the individual for the duration. (Access to information beyond that provided by the individual is subject to Freedom of Information processes.)
- Educators are to ensure they document information about children's learning and development accurately, inclusively, sensitively and respectfully.
- The service provides a quiet area for confidential conversations (e.g. between parents/guardians and educators, the Supervisor and educators).
- The name and contact details of the Approved Provider are displayed in the entrance of the service and are contained in the Parent Handbook.
- The Supervisor/Approved Provider adheres to the Service's *Grievance Policy* when responding to complaints about privacy and confidentiality matters. Should any issue remain unresolved, the Supervisor/Approved Provider advises the complainant of their right to lodge an appeal with the Office of the Australian Information Commissioner, GPO Box 5218 Sydney 1042 or GPO Box 2999 Canberra ACT 2601, or to telephone the Office of the Australian Information Commissioner on 1300 363 992.

## Responsibilities of parents/guardians

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- To immediately raise with the Supervisor/Approved Provider any concerns about the service's management of privacy and confidentiality.

### Links to other policies

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- Educational Program Policy
- Enrolment and Orientation Policy

### Links Education and Care Services National Regulations 2011, National Quality Standard 2018

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Regs	177	Prescribed enrolment and other documents to be kept by approved provider
	181	Confidentiality of records kept by approved provider
	183	Storage of records and other documents
	184	Storage of records after service approval transferred

QA	1.3.1	Each child's learning and development is assessed as part of an ongoing cycle of observation, analysis of learning, documentation, planning, implementation and reflection.
	3.1.1	Outdoor and indoor spaces, buildings, fixtures and fittings are suitable for their purpose, including supporting the access of every child.
	4.2.2	Professional standards guide practice, interactions and relationships.
	5.1.2	The dignity and rights of the child are maintained.
	6.1.1	Families are supported from enrolment to be involved in the service and contribute to service decisions.
	6.1.2	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
	6.1.3	Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.
	6.2.2	Effective partnerships support children's access, inclusion and participation in the program.
	7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service.
	7.2.1	There is an effective self-assessment and quality improvement process in place.

### Sources and Related Documents

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- Education and Care Services National Regulations 2011, 2017.
- Freedom of Information Act 1989 (Commonwealth)
- National Quality Standard 2011, 2018.
- Privacy Act 1988 (Commonwealth)
- Programming Policy
- Dr B. Abbey and P. Maclean, NQS - the complete system of policies, procedures and forms, [www.childcarebydesign.com.au](http://www.childcarebydesign.com.au).

### Further reading

- Office of the Australian Information Commissioner. *Privacy Complaint Form* <http://www.oaic.gov.au/about/contact.html> accessed 12 March 2012
- Office of the Australian Information Commissioner. *Factsheets: FOI and Privacy* [http://www.oaic.gov.au/publications/factsheets.html#privacy\\_factsheets](http://www.oaic.gov.au/publications/factsheets.html#privacy_factsheets) accessed 12 March 2012

### Useful websites

- Office of the Australian Information Commissioner – [www.oaic.gov.au/](http://www.oaic.gov.au/)
- UNICEF – [www.unicef.org/crc/](http://www.unicef.org/crc/)

## Policy Review

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This policy is a living document and will be monitored and reviewed as issues are identified or within 24 months. Proposed changes will be circulated and discussed by all programs and any external stakeholders for approval.

### Person Responsible for Review:

Manager, Children's Services

<b>Implementation Date:</b>	April 2016	<b>Review Date:</b>	April 2018
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### Modification History

Date	Sections and/or Paragraphs	Source	Details
2016/04	Whole document		Reformat
2016/12	Whole document		Reformat
2018/01	Quality Areas	Revised National quality Standard 2018	

Approved by Susan Henderson, Manager, Children's Services:



Date: 16 January 2017