

Tottenham War Memorial Early Childhood Centre

Confidentiality of Records Policy

Privacy and Confidentiality Policy

The Centre continually strives to keep records up-to-date. Confidentiality is always maintained. These policies are followed by staff, families and management.

Statutory and Legislation considerations:

Education and Care Services National Law

Education and Care Services National Regulations

[Link to National Quality Standard](#)

ECA Code of Ethics

Privacy and Personal Information Protection Act 1998

Children and Young Persons (Care and Protection) Act 1998 Australian Privacy Principles

Office of the Australian Information Commissioner

Rationale:

The Centre collects and holds personal information about you and your child that is reasonably necessary for or related to our activities and the service we provide. The Centre will strive to let individuals know how personal information will be used at the time of collection. This will be done with the Privacy Collection Statement sent out with the enrolment package.

Our Centre recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. Our Centre aims to meet these goals through the adoption of this specific Confidentiality of Records Policy, Privacy and Confidentiality Policy and our Privacy Collection Statement which will guide our practices in this area and describe how we manage personal information.

The Centre will maintain private and confidential files in relation to staff, children and their families. Systems will be developed for the appropriate use, storage and disposal of records. The Centre will also ensure that information in these files is used only for the education and care of the children enrolled at the Centre, and only shared with relevant and authorised people as defined within authorisations of the Education and Care Services National Regulations and ensure that this policy is developed, always maintained and implemented.

Personal information is stored in a safe and secure manner, using locked filing cabinets and password protected computers. Information is backed up electronically and securely stored. Hard copy information is stored at the Centre, which is secured to prevent entry by unauthorised people. Any personal information not actively being used may be archived, in accordance with regulatory requirements.

Collection of information:

For the Centre to be able to meet the needs of each child, family and staff member, information must be collected and maintained. The Nominated Supervisor will ensure information provided by families and staff is only used for the purpose it was collected for.

The Centre will 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, which says information can be communicated:

- To the extent necessary for the education, care or medical treatment of the child;
- To the parent of the child to whom the information relates (except for information in staff records);
- To the regulatory authority or an authorised officer;
- As authorised, permitted or required to be given by or under any act or law; and
- With written consent of the person who provided the information.

The Centre will provide families with details on the collection of personal information collected:

This information will include:

- The types of information collected by our Centre;
- The purpose of collecting information;
- What types of information will be disclosed to the public or other agencies and when and why disclosure may occur;
- How information is stored at the service;
- Approaches used to keep information secure;
- Who has access to the information;
- The right of the individual to view their personal information;
- The length of time information needs to be archived; and
- How information is disposed.

The following records must be kept by the Centre:

The Centre must ensure that records are stored in a safe and secure place reducing the chance of unauthorised access, use or disclosure and for the relevant period set out in the Regulation.

For the Children:

- Enrolment form
- Emergency contact information
- Immunisation record
- Excursion permission notes
- Administering of specific medication forms
- Asthma/Allergy action plans
- Records of accidents
- Custody or court order forms
- Referral to other agencies forms
- Developmental records
- Individual programs
- Copies of complaints and grievances

For the Staff:

- Employment details form
- Police check
- Outline of duties
- Copy of qualifications, certificates obtained, and professional development completed
- First aid certificate copy
- Other necessary forms such as certified supervisor form
- Copies of complaints and grievances
- Immunisation register

The following documents are prescribed in relation to the Centre's operation:

- the documentation of child assessments or evaluations for delivery of the educational program; assessment of the child's developmental needs, interests, experiences and participation and assessment of the child's progress;
- an incident, injury, trauma and illness record;
- a medication record;
- a staff record;
- a record of volunteers and students;
- the records of the Responsible Person at the Centre;
- a record of staff working directly with children;
- a record of access to early childhood teachers;
- a children's attendance record;
- child enrolment records;
- a record of the Centre's compliance with the Law; and
- a record of Responsible Person placed in day-to-day charge of the Centre.

Period that these records must be kept:

- If the record relates to an incident, illness, injury or trauma suffered by a child while being educated and cared for by the Centre, until the child is aged 25 years.

- If the record relates to an incident, illness, injury or trauma suffered by a child that may have occurred following an incident while being educated and cared for by the Centre, until the child is aged 25 years.
- If the record relates to the death of a child while being educated and cared for by the Centre or that may have occurred as a result of an incident while being educated and cared for, until the end of 7 years after the death.
- In the case of any other record relating to a child enrolled at the Centre, until the end of 3 years after the last date on which the child was educated and cared for by the Centre.
- If the record relates to the approved provider, until the end of 3 years after the last date on which the approved provider operated the Centre.
- If the record relates to the Nominated Supervisor or staff member of the Centre, until the end of 3 years after the last date on which the Nominated Supervisor or staff member provided education and care on behalf of the Centre.
- In case of any other record, until the end of 3 years after the date on which the record was made.

Access to information:

The Nominated Supervisor will ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than:

- Medical and developmental information that is required to adequately provide education and care for the child, or
- The Department of Education and Communities, or an authorised officer, or
- As permitted or required by any Act or Law.

Individuals will be allowed access to their personal information when they request it. Authorised persons may request to view any information kept on their child.

Information may be denied under the following conditions:

- Access to information could compromise the privacy of another individual;
- The request for information is frivolous or vexatious; or
- The information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianships.

Maintaining Information:

- The Nominated Supervisor is responsible for keeping all Centre records required under the Education and Care National Regulation. Information will be updated regularly and archived as required.
- In keeping with the Early Childhood Australia (ECA) Code of Ethics, the Education and Care Services National Regulation and the Privacy Legislation, staff employed by the Centre are bound to respect the privacy rights of children enrolled and their families, staff and their families, and any other persons associated with the Centre.

Procedure for Confidentiality:

To maintain security and confidentiality of personal and health related information the Centre will:

- Be aware of staff obligations under the regulations in relation to confidentiality.
- Keep all information confidential by ensuring that all written information is kept in a secure location, and that computers with confidential records contain passwords.
- Disclose or discuss information on a need-to-know basis only. No information can be disclosed to a third party without the written consent of the person who gave the information.
- Maintain confidentiality when using records or discussing matters with other Centre staff members, families or any other persons.
- Use discretion when displaying information on a board for staff.
- Management Committee members sign a confidentiality agreement at the commencement of the new committee.

- The president or nominated representative at Management Committee meetings reads out a confidentiality clause at the commencement of each meeting to remind all of confidentiality issues.
- All staff members sign a Staff Confidentiality Agreement upon commencement of employment.
- All students (University, School or TAFE) are to be made aware of confidentiality in regards to families and staff. No personal identification of families shall be included in their work. Permission notes need to be sourced before working with children and checked by the Nominated Supervisor.

Provide families with information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. Individuals can make a complaint to the Approved Provider if they believe there has been a breach of their privacy in relation to the Privacy principles. The breach will be assessed by the Approved Provider within 14 days. Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between the Approved Provider and the individual to resolve the situation, in line with the Complaints and Feedback procedure.

The Nominated Supervisor will:

Ensure each families’ information is correct in enrolment records. This includes information on immunisation updates, income and financial details (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 the Centre. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law and other relevant information collected to support the enrolment of a child.

Rationale regarding Privacy:

In keeping with the Early Childhood Australia (ECA) Code of Ethics, staff employed (full-time, part-time, temporary, casual, student or volunteer) by the Centre, or members of the Management Committee are bound to respect the privacy of:

- Children enrolled at the Centre
- Families at the Centre and
- Staff members

Information that you learn about a child or a family must remain confidential. It is not ethical to discuss any Centre matters with other members of the organisation not directly involved in the issue, or members of the wider community.

Evaluation:

All information related to the Centre, the staff and families are maintained in a private and confidential manner.

Complete confidentiality is always maintained. This means also that Committee Meeting items that are not for general publication, or events and/or overheard conversations that you may observe or hear of other children at the Centre when you are dropping off or collecting your child is not discussed with other parties.

Families’ privacy is respected.

Sources:

Information Privacy Principles: www.privacy.gov.au/publications/jpps.html;
 Department of the Officer of the Privacy Commissioner – www.privacy.gov.au;
 Early Childhood Australia – www.earlychildaustralia.org.au;
 Community Child Care Co-operative – policy template: Confidentiality Policy: Health and Safety in Children’s Centres: Model Policies and Practices 2003.
 Centre Based and Mobile Child Care Regulations

Ratified:.....

Date:

Updated October 2018