

Privacy and Confidentiality Policy and Procedures

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Policy Statement

Heritage Early Childhood Centre Inc (Heritage) has developed this policy and related procedures to ensure all information related to the education and care service, educators and families is maintained in a private and confidential manner in accordance with the Australian Privacy Principles (APPs, 2014) in the *Privacy Act 1988*, and the *Education and Care Services National Regulations 2011*. In addition, where Heritage needs to collect health information, our procedures are consistent with the *Health Records (Privacy and Access) Act 1997*.

Heritage takes the privacy of its staff, families, and enrolled children seriously, and views it as an individual right. In early childhood services it is important to engage in open and honest communication with parents/guardians to build respectful relationships based on trust. We understand that respect for privacy and confidentiality is central to building trust as it enables information which may be important to the education and care of a child to be confidently exchanged and quality education and care to be provided.

Heritage understands that some personal information may be ‘sensitive’¹ and considers all personal information collected to be private and confidential and will not disclose it without permission of the subject unless required to do so by law. We will inform educators, other staff and families of any circumstances where information is to be disclosed to other parties. For example, educator qualifications or first aid status may be disclosed to the committee or to families in the newsletter. Also, Heritage may be required to disclose relevant information to a government agency in the event of child protection issues being raised.²

Policy Aims

This policy aims to comply with relevant privacy legislation and best practice guidelines to ensure:

- Practices and procedures relating to managing personal information at Heritage are open, transparent, and readily accessible to the Heritage community.
- The collection and handling of personal information at Heritage, photos and health information is secure and responsible.
- The information held in private and confidential files for educators and staff, children and their families, is used only for the purpose of providing quality education and care to the child enrolled in the service, and only shared with relevant or authorised people as defined within authorisations of the *Education and Care Services National Regulations 2011*.
- This policy reflects the requirements of the Australian Privacy Principles (APPs) for the appropriate use, storage and disposal of records.

Scope

This policy applies to the Management Committee, Director, Nominated Supervisors, educators, other staff, students on placement, parents/ guardians, enrolled children, regular family volunteers and others attending the programs and activities of Heritage. It is understood that there is a shared responsibility and accountability between all stakeholders to implement the Heritage Privacy and Confidentiality Policy and Procedures as a matter of high priority due to the importance of building trusting relationships in providing quality education and care.

¹ Refer to: Appendix 2: Definitions

² Refer to: Child Protection Policy and Procedures

Definitions

The terms defined in this section relate specifically to this policy.

Authorised Person: A member of staff, management or the Management Committee formally enabled to access information in order to fulfil their role and responsibilities in the provision of the Heritage service as outlined in their duty statement.

Unauthorised Access: Viewing or accessing personal information without consent from the subject or authorisation under the definition above.

Unauthorized Disclosure: To disclose information to an individual who is not authorised to receive it.

Need-to-know Basis: Disclosing information to authorised persons only as necessary to carry out their roles and responsibilities at Heritage properly and effectively.

Privacy Act 1988: Commonwealth legislation that operates alongside state or territory Acts and makes provision for the collection, holding, use, correction, disclosure or transfer of personal information

Freedom of Information Act 1982: Legislation regarding access and correction of information requests.

Health Records (Privacy and Access) Act, 1997 (ACT): State legislation that regulates the management and privacy of health information handled by public and private sector bodies in the ACT.

Health information: Any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.

Personal information: Recorded information (including images) or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained.

Privacy breach: An act or practice that interferes with the privacy of an individual by being contrary to, or inconsistent with, one or more of the Australian Privacy Principles or any relevant code of practice.

Sensitive information: Information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record.

Unique identifier: A symbol or code (usually a number) assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding use of the person's name.

Rationale and Legislative Background

Heritage recognises it has a duty of care under the [Australian Privacy Principles \(APPs\) in the Privacy Act 1988 \(Cth\)](#) to ensure the privacy and confidentiality of the personal information it collects. In addition, the Privacy and Confidentiality Policy and Procedures have been developed to comply with the:

- [Education and Care Services National Law Act, 2010.](#)
- [Education and Care Services National Regulations Act 2011.](#)
- [National Quality Standard for Early Childhood Education and Care 2012.](#)
- [Health Records \(Privacy and Access\) Act, 1997 \(ACT\).](#)
- [Associations Incorporation Act 1991 \(ACT\)](#)
- [Information Privacy Act 2014 \(ACT\).](#)
- [Human Rights Act 2004 \(ACT\).](#)
- [Freedom of Information Act 1982 \(Cth\).](#)
- [Early Childhood Australia \(ECA\) Code of Ethics.](#)
- [United Nations Convention on the Rights of the Child.](#)
- [Australian Child Protection Legislation](#)

Note: Should a requirement under the *Education and Care Services National Law Act 2010* or the *Education and Care Services National Regulations 2011* be inconsistent with a requirement under other privacy legislation, Heritage understands it is required to abide by the former.

The Education and Care National Law and Regulations	
<u>National Law 175(1)</u>	Offence relating to requirement to keep enrolment and other documents: (1) An ECEC must keep the prescribed documents available for inspection by an authorised officer in accordance with this section.
<u>R 168(2)(l)</u>	The service must have policies and procedures including in relation to: (l) governance and management of the service, including confidentiality of records.
<u>R 177</u>	Prescribed enrolment and other documents to be kept. (2) The service must take reasonable steps to ensure the documents referred to in subregulation (1) are accurate. (3) Subject to Subdivision 4, the service must ensure that: (a) subject to subregulation (4), the documents referred to in subregulation (1) in relation to a child enrolled at the service are made available to a parent of the child on request. (4) If a parent's access to information of the kind in the documents referred to in subregulation (1) is limited by an order of a court, the approved provider must refer to the court order in relation to the release of information concerning the child to that parent.
<u>R 181</u>	Confidentiality of records kept. The service must ensure that information kept in a record under these Regulations is not divulged or communicated, directly or indirectly, to another person other than: (a) to the extent necessary for the education and care or medical treatment of the child to whom the information relates; or (b) a parent of the child to whom the information relates, except in the case of information kept in a staff record; or (c) the Regulatory Authority or an authorised officer; or (d) as expressly authorised, permitted or required to be given by or under any Act or law; or (e) with the written consent of the person who provided the information.
<u>R 183</u>	Storage of records and other documents. The service must ensure that records and documents set out in regulation 177 are stored (a) in a safe and secure place; and (b) for the relevant period set out in subregulation (2).
The National Quality Standard	
<u>Quality Area 7</u>	Standard 7.1.2 Management Systems: Systems are in place to manage risk and enable the effective management and operation of a quality service.

Summary of Key Responsibilities

Role	Responsible for ensuring:
<p>Management Committee</p>	<ul style="list-style-type: none"> • A Privacy and Confidentiality Policy with associated procedures is in place and regularly reviewed to ensure all records and documents are maintained and stored in accordance with the <i>Education and Care Services National Regulations 2011</i>. • The service policies and procedures comply with the requirements of the Australian Privacy Principles in the <i>Privacy Act 1988</i> and identify: <ul style="list-style-type: none"> ○ What information the service collects about individuals and the source of the information. ○ Why and how the service collects, uses and discloses the information. ○ Who will have access to the information. ○ How risks will be managed in relation to the collection, storage, use, disclosure, or disposal of and access to personal and health information collected by the service. • A Privacy Statement is available for families that informs them why personal information is collected, how it will be managed and how they can access their information, have it corrected as needed, and make a complaint about a breach of privacy, if one occurs (Appendix 1).
<p>Director/ Nominated Supervisor</p>	<ul style="list-style-type: none"> • The Privacy and Confidentiality Policy and associated procedures are implemented at the service, and regularly reviewed. • A copy of this policy, including the Privacy Statement, is prominently displayed at the service, easily accessible on the Heritage website (Policies and Procedures Area) and available on request. • Each family, staff and committee member, and regular volunteers and students, receives a service Handbook, including the Heritage Privacy Statement on enrolment/employment/appointment. • Information collected from families, educators, committee members and the community is maintained in a private and confidential manner at all times and not communicated, directly or indirectly, to another person other than outlined in Regulation 181. • Adequate and appropriate secure storage for personal information collected by the service and developing procedures that protect personal information from unauthorised access. • All service records, including personnel records, CCS information and children’s and families’ information is stored securely, and the risks of unauthorised access, use or disclosure are mitigated to ensure information remains private and confidential at the service at all times. • All staff information is correct in their personal file including information on qualifications, WWVP checks, staff entitlements, contact and emergency information, health and immunisation information, and relevant medical and legal information. • Each family’s information is correct in their enrolment record including information on immunisation updates, financial information, contact and emergency contact details, children’s developmental records, CCS information, and medical/legal information required to provide quality education and care to their child. • Information provided by families and staff is only used for the purpose it was collected for. • Individuals are allowed access to their personal information on written request from the Director/Nominated Supervisor. • Authorised persons³ may request to view any information kept on their child. • Information may be denied under the following conditions: <ul style="list-style-type: none"> ○ Access to information could compromise the privacy of another

³ Refer to: Definitions

	<p>individual.</p> <ul style="list-style-type: none"> ○ The request for information is frivolous or vexatious. ○ The information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianship. <ul style="list-style-type: none"> ● Written informed and voluntary consent is obtained from the parents/guardians of children who may be photographed.⁴ ● The appropriate use of images of children, including being aware of cultural sensitivities and the need for some images to be treated with special care. ● Requests by a parent/guardian that their child’s image is not be taken, published or recorded are respected, including when a child requests that their photo not be taken.
Educators	<ul style="list-style-type: none"> ● Respecting the privacy rights of children, their families, educators, other staff, and any other persons associated with the Heritage service and understand this is a requirement in accordance with the Heritage Code of Conduct/Ethics, the <i>Education and Care Services National Regulations 2011</i> and the Australian Privacy Principles. ● Reading and signing the Educator Handbook during their induction, including, the Heritage Privacy Statement. ● Being aware of their responsibilities in relation to the collection, storage, use, disclosure and disposal of personal and health information. ● Implementing the requirements for the handling of personal and health information, as set out in this policy. ● Maintaining information on children and understanding it must be stored and kept secure and may be requested and viewed by the child’s parents/guardians and representatives of CECA during an inspection visit. ● Respecting parents’ choices about their child being photographed or videoed, and children’s choices about being photographed or videoed. ● Not share information about the Heritage service, management information other educators or children and families, without written permission or legislative authority.
Families	<ul style="list-style-type: none"> ● Providing accurate information when requested by the service to ensure quality education and care is provided for their child. ● Maintaining the privacy of any personal or health information provided to them about other persons at Heritage, such as contact details. ● Completing all enrolment, authorisation, health and permission forms and returning them to the service in a timely manner. ● Being sensitive and respectful to other families who do not wish their child to be photographed or videoed. ● Being sensitive and respectful of the privacy of other children and families in photographs/videos when using and disposing of these photographs/videos.⁵
Regular Volunteers and Students	<ul style="list-style-type: none"> ● This policy and its procedures while at the service are followed while they are at the Heritage service. ● They read and sign the Relief Educator Handbook including the Privacy Statement. ● Where a student has a valid training requirement that involves the gathering of certain information pertaining to children or families, understanding they must receive written consent from families for supervised access to information, prior to accessing information.

⁴ Refer to: Enrolment Form Authorisations; Social Media Policy

⁵ Refer to: Social Media Policy



Strategies and Procedures

The strategies and procedures outlined in this policy and the Heritage Privacy Statement (Appendix 1), will, at all times, guide our practices.

Open and Transparent Management of Personal Information (APP 1)

In relation to parents/guardians, Heritage will ensure that:

- Information is only used by educators, other staff and supervised students in order to ensure the highest quality education and care is given to all enrolled children.
- Information is not disclosed to those not associated with the education and care of children without parental consent unless required to do so by law.
- Access to family information held at Heritage is provided to parents/guardians without undue delay and there is no charge for requesting family information.
- Heritage takes all practicable steps to ensure that the details retained about individual families are accurate, complete and up to date.
- Heritage takes all practicable steps to protect this information from misuse or loss and from unauthorised access or disclosure.
- If a student has a valid training requirement that involves the gathering of certain information pertaining to children or families, Heritage ensures they receive written consent from families for supervised access to information.
- Heritage educators, other staff and supervised students are committed to respect these principles at all times.

In relation to educators and other staff, Heritage will ensure that:

- Heritage takes all practicable steps to ensure that the details kept about educators and other staff are accurate, complete and up to date.
- Heritage takes all practicable steps to protect this information from misuse or loss and from unauthorised access or disclosure. Disclosure is on a need-to-know basis by and to authorised persons only.
- Information is not disclosed to persons outside Heritage without consent unless authorised or required to do so by law.

Training & Communication Procedures

- All Heritage educators and other staff are trained in privacy and confidentiality procedures.
- The Heritage community is informed about the Privacy and Confidentiality Policy and Procedures and how to access it during the enrolment and orientation session or employee induction process.
- Information on the Privacy and Confidentiality Policy and Procedures is available in the Heritage Handbook and Educator Handbooks, and also available in the Members Area of the website.
- The Heritage Privacy Statement (Appendix 1) is attached to the Enrolment form, included in all Handbooks and easily accessible in the Members Area of the website.

Complaints Procedure

- Individuals may make a complaint to the Director if they believe there has been a breach of their privacy. The breach will be assessed 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 with the individual to resolve the situation, in line with the relevant Complaints and Grievance Management Policy (staff or non-staff).
- If individuals are not satisfied with the response, they are able to [lodge a complaint with the Office of the Australian Information Commissioner](#).

Procedure for Notifiable Data Breaches (NDB) under the *Privacy Act 1988*

- The Notifiable Data Breaches (NDB) scheme requires all businesses regulated by the *Privacy Act 1988*, including education and care services, to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy Commissioner)



and affected individuals of any data breaches (ie. data leaks) that are “likely” to result in “serious harm.”

- Should there be a NDB at Heritage, the Director, in consultation with the Management Committee, will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected.
- The OAIC must also be notified as soon as practicable through a statement about the eligible data breach.
- Individuals at likely risk of serious harm will be notified promptly.
- A failure to notify a serious breach may result in a fine of up to \$360,000 for individuals or \$1.8 million for organisations.

Anonymity (APP 2)

- When lawful and practicable, individuals have the option of not identifying themselves, or using a pseudonym when dealing with Heritage on any matter.

Purpose of Collecting Information (APP 3)

Heritage only collects personal information, including sensitive information, for which it has a specific purpose in accordance with its functions and activities including to:

- Meet its legal obligations.
- Meet its duty of care including health and safety considerations.
- Provide the best possible education and care for each enrolled child.
- Ensure the welfare of educators and all other staff and supervised students.
- Manage the service and meet its obligations under the service constitution.
- Meet insurance requirements.
- Facilitate day-to-day administration and delivery of Heritage.
- Correspond with parents/guardians relating to their child’s day-to-day activities (e.g. for the Daybooks and feedback at parent-teacher meetings).
- Contact details to enable communication between the Committee, employees, and enrolled families.
- Assess job applicants, contractors, employees, volunteers, or students and administer their employment, contracts, or placements.
- Continuously monitor the quality of the service.
- Create newsletters and visual displays within the service.
- Promote the service through external media, including the service website.⁶

No Immediate Use

Heritage does not collect personal or sensitive information that has no immediate use, even though it may be useful in the future.

Collection and Notification Processes (APP 3 and 5)

- Heritage collects personal information only by lawful and fair means.
- Individuals from whom personal information is collected are provided with a copy of the Heritage Privacy Statement (Appendix 1) as part of the enrolment/employment process.

Information Collected about Children

- Heritage collects information via the Enrolment Form prior to a child attending the service in order to meet Regulations 160, 161 and 162 of the *Education and Care Services National Regulations 2011* and to help provide high quality education and care including the identification of individual and additional needs.⁷
 - The form asks for contact and emergency contact details, Centrelink Reference Number, Medicare number, health and immunisation status, custodial arrangements, family and cultural background etc. This information is regarded as sensitive information⁸ and is stored securely and disposed of appropriately. (See APP 11).

⁶ Refer to: Social Media Policy; Enrolment Form – Photographs and Video Authorisation

⁷ Refer to: Creating Inclusion and Equity Policy

⁸ Refer to: Definitions



- Medical Condition Management Plans such as Asthma, Anaphylaxis, Diabetes or Epilepsy Action Plans, are also collected on enrolment and may include photographs.⁹
- Incident, Injury, Trauma, Illness and Medication Records are completed as required while the child is in attendance which contain personal and medical information about the child to meet Regulations 87 and 92 of the *Education and Care Services National Regulations 2011* and to keep families informed.¹⁰
- Heritage utilises a computerised attendance system to meet Regulation 158 of the *Education and Care Services National Regulations 2011* which requires details of the date and each child's full name, times of arrival and departure, and a record of the person delivering and collecting the child.¹¹
- Contact details are kept in a separate folder in all rooms for quick and easy contact as required.
- Information regarding home routines and likes and dislikes is collected by Room Leaders to build a personal profile of the child in order to provide the best possible individualised education and care.¹²
- Photographs are taken for the Daybook for anecdotal records of children's achievements and development, and for the Heritage Yearbook.¹³

Information Collected from Families

Personal information from families is collected to:

- Gain payments from government agencies, e.g., Child Care Subsidy (**refer also to:** APP 9).
- Be used in emergencies, or to keep families informed, including contact details and emergency contacts.
- Maintain attendance records.

Information Collected from Educators and other Staff

Information collected from educators and other staff includes contact and emergency contact details, recruitment and selection documents, qualifications, WWVP card status, wages/salary information, tax file number, superannuation and bank account details, performance reviews, health status and insurance, workers compensation claims.

This information is collected to ensure that:

- Qualifications are current and appropriate.
- Payments and taxation can occur. **Refer to:** Personal Identifying Information below.
- All staff are contactable.

Information may be collected from job applications, face-to-face interviews, emails and telephone calls.

Information Collected from External Agencies

Information collected from external agencies may include Inclusion and Support facilitators or health care professions in order to meet a child's individual needs. For example, a child may be enrolled in speech therapy. In this situation permission will be obtained from the family for Heritage to communicate with the therapist and exchange information.¹⁴

Heritage may collect information about children and families from external agencies only if:

- The individual consents to the collection of the information.
- Heritage is required to collect the information by law.
- It is impracticable to collect the information from the individual themselves.

When personal information is received from external agencies:

⁹ Refer to: Medical Conditions Policy

¹⁰ Refer to: First Aid Policy; Medication Policy

¹¹ Refer to: Delivery and Collection of Children Policy

¹² Refer to: Enrolment and Graduating Rooms Policy

¹³ Refer to: Social Media Policy; Enrolment Form - Photographs and Video Authorisation

¹⁴ Refer to: Creating Inclusion and Equity Policy



- The person receiving the information will notify the individual or the parents/guardians of the child to whom the information relates of receipt of this information.
- Heritage will advise them of the Heritage Privacy and Confidentiality Policy and their right to request access to this information.

Unsolicited Personal Information (APP 4)

- If Heritage determines that they could not have collected the information under Australian Privacy Principle 3 and the information is not contained in a Commonwealth record, it must destroy the information.

Use and Disclosure of Personal Information (APP 6)

Use of Personal Information

- Heritage uses personal information collected for the primary purpose of collection (**refer to:** Purpose of Collecting Information above).
- Heritage may also use this information for any secondary purposes directly related to the primary purpose of collection, to which the individual has consented, or could reasonably be expected to consent.

Disclosure of Personal Information

Heritage may disclose some personal information held about an individual to:

- Government departments or agencies, as part of its legal and funding obligations.
- Local government authorities, in relation to enrolment details for planning purposes.
- Organisations providing services related to staff entitlements and employment.
- Insurance providers, in relation to specific claims or for obtaining cover.
- Law enforcement agencies.
- Health organisations and/or families 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.

Where the service receives the personal information of others, such as health specialists or emergency contacts, we encourage families to inform those persons that this information is being disclosed to the service and why and inform them they may access that information if they wish to do so.

Disclosure of Sensitive Information (APP 10)

Sensitive information¹⁵ 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 where the use or disclosure of this sensitive information is allowed by law.

- Health Records will only be shared with staff on a need-to-know-basis¹⁶, with the child's immediate family or when discussing the child's condition with their primary health care specialist or in an emergency and permission cannot be given.
- The service will obtain parent/guardian permission before disclosing a child's personal and sensitive information to a professional attending the service for the specific purpose of providing a service for the child. This includes early intervention teachers, speech therapists, occupational therapists and counsellors.
- Information related to a child or family's racial or ethnic origin, religious beliefs or philosophical beliefs will only be shared with the staff who care directly for the child for the purpose of creating inclusion and continuity of care between the child's home and the service.¹⁷

Cross-Border Disclosure of Information (APP 8)

- Transfer of information interstate and overseas will only occur with the permission of the person concerned or their parents/guardians.

¹⁵ Refer to: Definitions

¹⁶ Refer to: Definitions

¹⁷ Refer to: Creating Inclusion and Equity Policy



- Heritage may only disclose personal information about an individual to an overseas recipient if it can be sure the recipient does not breach the Australian Privacy Principles (other than Principle 1) in relation to the information.

Use of Personal Information for Marketing Purposes (APP 7)

- Heritage may use personal information for the purposes of marketing the service such as on its website provided the individual has consented in writing to the use for that purpose.
- The service engages in occasional fundraising activities. Information received from families may be used to make an appeal to them, e.g. a text or email sent to inform families of fundraising activity.
- We will not disclose personal information to third parties for their own marketing purposes without written consent or for any other reason than for the purpose in which it was collected.

Use of Personal Identifying Information (APP 9)

Heritage collects information only on the following government-related personal identifiers and uses/discloses them only to the relevant Commonwealth agency for the purposes stated below:

Tax file number for all employees.

- To assist with the deduction and forwarding of tax to the Australian Tax Office.
- Failure to provide this would result in maximum tax being deducted.

Customer Reference Number (CRN) for enrolled children.

- To enable the family to access the Child Care Subsidy.
- Failure to provide this would result in parents/guardians not obtaining the benefit.

Integrity of Personal Information (APP 10)

Heritage endeavours to ensure that the personal information it holds, uses or discloses is accurate, complete, up to date and relevant to its functions and/or activities.

- All practicable steps are taken to ensure information collected is complete, accurate and up to date.
- ~~Enrolment update forms~~ are issued prior to the end of each year for families to complete. Families are asked to review their enrolment information, including emergency contact information, every 6 months during Parent/Educator interviews or in person.
- Medical Management and Communication Plans must be updated **every 6 months**.

Security Procedures for Personal Information (APP 11)

In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, Heritage takes all practicable steps to reduce risk and ensure that:

- Access is limited to authorised staff or other individuals, such as members of the Heritage Management Committee, who require this information in order to fulfil their responsibilities and duties at Heritage.
- Heritage treats all information collected in the strictest confidence and does not divulge to any third party without the consent of the subject unless required to do so by law.
- Information is not left in areas that allow unauthorised access to that information.
- All information collected relating to enrolled families and children is kept in filing cabinets in the Director's office and access is restricted to the Director and authorised staff, unless permission is granted by the subject.
- Educator and other staff documents are kept in personal staff files which remain in a locked cabinet in the Director's office.
- Computerised records containing personal or health information are stored safely and secured with a password for access only available to the Director and authorised staff.
- Passwords are recorded and stored in a secure management folder accessible only by the Director and authorised staff.
- There is security in transmission of the information via email or telephone:
 - Emails are only sent to a person authorised to receive the information.
 - Telephone - limited and necessary personal information is provided over the telephone to persons authorised to receive that information.



- Families are asked on enrolment to give consent for photographs to be used on the Heritage website or Heritage social media pages.
- Personal information is not used on the service website without permission.
- When confidential information must be taken off-site (e.g. on excursions, a list of children with medical conditions and contact numbers will be required), consideration is given to how this is transported and stored securely.
- Educators, other staff and families must discuss confidential information in private and appointments are required to discuss sensitive matters with the Room Leader or Director.¹⁸
- Families are asked to use their discretion and respect privacy when discussing events or occurrences they witness at the service.
- All educators and other staff are required to abide by the Privacy and Confidentiality policy when engaged in social activities with parents, eg, via Facebook or while babysitting. **Refer to:** Educator Handbook.
- Families are asked to be prudent when submitting information by email as there is a risk of interception.
- Families understand that email is deemed public information and is not confidential, and if at any stage they wish their name to be removed from the email mailing list, they must advise the Director.
- Any information or documentation found by families remains confidential and must be returned to the Director immediately.

Disposal Procedures (APP 11)

Records Keeping – Required Time Periods

Heritage keeps records in accordance with [National Regulation 183](#).

Incident, Illness, Injury or Trauma

- If a record relates to an incident, illness, injury or trauma suffered by a child while being educated and cared for at Heritage, it must be kept **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 at Heritage, it must be kept **until the child is aged 25 years**.
- **Note:** The service utilises Storage King in Fyshwick for secure storage of archived papers.

Death of a child

- If the record relates to the death of a child while being educated and cared for at Heritage or may have occurred as a result of an incident while being educated and cared for at Heritage, it must be kept until the end of **7 years after the death**.

Other Records

- In the case of any other record relating to a child enrolled at Heritage, they must be kept until the end of **3 years** after the last date on which the child was educated and cared for by Heritage.
- If a record relates to the Approved Provider (Management Committee), it must be kept until the end of **3 years** after the last date on which the approved provider operated Heritage.
- If a record relates to the Nominated Supervisor or staff member at Heritage, it must be kept 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 Heritage.
- In the case of any other record, until the end of **3 years** after the date on which the record was made.

Disposing of Personal Information

- Personal information may not be stored any longer than necessary by law.
- If Heritage no longer needs the personal information for any purpose, it is not part of the Commonwealth record and Heritage is no longer required to retain the information under law, the information is shredded, destroyed or de-identified by the Director or by those with

¹⁸ Refer to: Communication and Family Involvement Policy



authorised access to the information, under the supervision of the Director, in such a way that the information is no longer accessible.

- This may be done by hiring a locked bin which is taken away and the contents shredded securely.

Access to Personal Information (APP 12)

Under privacy legislation, an individual has the right to:

- Request access to personal information that the service holds about them without providing a reason for requesting access.
- Access this information.
- Make corrections if they consider the data is not accurate, complete or up to date.

Examples of where access can be denied in part or in total as set out in the [Information Privacy Act 2014](#) include:

- The request is frivolous or vexatious.
- Providing access would have an impracticable impact on the privacy of other individuals.
- Providing access would pose a serious threat to the life or health of any person.
- The service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

This could include situations where giving access may result in a breach of the duty of care to a child, breach of a Court Order, or where a child has provided information in confidence.

Procedure for Considering Access Requests

- Families who ask to see information held about themselves or their children at Heritage are promptly granted access in line with privacy legislation.
- Any member of the Heritage community may seek access to view or update their own or their child's personal or health information at any time by contacting the Director.
- If an educator or student has a valid training requirement involving the gathering of information relating to families or children, the educator or student must have written consent from the families for supervised access to that information.

Personal information may be accessed in the following way:

- View and inspect the information.
- Take notes.
- Obtain a copy.

If the requested information cannot be provided, the reasons for denying access will be given in writing to the person requesting the information.

Correction of Personal Information (APP 13)

Privacy legislation provides an individual about whom information is held by the service, the right to request the correction of information that is held.

- If the individual is able to establish to the satisfaction of the service that the information held is incorrect, out of date, incomplete or irrelevant or misleading, Heritage will endeavour to correct the information at no cost to the individual.
- If Heritage denies the request, the reasons will be given in writing to the individual.



Policy Review and Evaluation

In order to assess whether the aims of this policy have been achieved, the Heritage Management Committee will:

- Keep this policy up to date with current legislation, research, policy and best practice.
- Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.
- Monitor the implementation, compliance, complaints and incidents in relation to this policy.
- Revise the policy and procedures as part of the service’s policy review cycle, or as required through the identification of practise gaps. **Refer to:** Policy Development and Review Policy and Procedures.
- Notify families at least 14 days before making any changes to this policy or its procedures.

Related Policies

Name	Location
Child Protection Policy and Procedures	
Code of Conduct/Ethics	Policy Manuals in
Communication and Family Involvement Policy and Procedures	Programming Room,
Creating Inclusion and Equity Policy and Procedures	Entrance Foyer and Main
Delivery and Collection of Children Policy and Procedures	Office.
Emergency Policy and Procedures	
Employment and Recruitment Policy and Procedures	Family Library and
Enrolment and Graduating Rooms Policy and Procedures	Handbook available in the
Governance and Management Policy and Procedures	Members Area of the
First Aid for Incidents, Accidents, Incident and Trauma Policy	Heritage website.
Complaints and Grievance Management Policy and Procedures (Staff/non-Staff)	Educator and Relief
Medical Conditions Policy and Procedures	Educator Handbooks
Social Media Policy and Procedures	
Students and Volunteers Policy and Procedures	

References and Further Reading

ACECQA (May 2022 update). [Guide to the National Quality Framework](#)

CELA (2021). [Sample Privacy and Confidentiality Policy](#)

National Childcare Accreditation Council. (2007). [Sample Privacy Policy Template](#)

Office of the Australian Information Commissioner (2019). [Australian Privacy Principles Guidelines](#)

Office of the Australian Information Commissioner (2014) [Australian Privacy Principles Factsheet](#).

University of Melbourne Early Learning Centre (2014). [Privacy Policy](#).

University Preschool and Child Care Centre [2018]. [Privacy Policy](#)

Useful Websites

[Early Childhood Australia](#)

[Office of the Australian Information Commissioner](#)

[State and Territory Privacy Laws: ACT](#)

Useful Contacts

Office of the Australian Information Commissioner - GPO Box 5218 Sydney NSW 2001
Privacy Hotline: 1300 363 992. Ph: (02) 9284 9800 Email: enquiries@oaic.gov.au

Version Control and Change History

Version Number	Approval Date	Approved by	Author and Amendments
1	September 2001	Management Committee	
2	March 2003	Management Committee	
3	April 2010	Management Committee	Author: Julia Charters Rewrite to meet ACT Childcare Standards, 2009
4	February 2015	Director	Reviewed to ensure compliance with new National Regulations and Quality Standards
5	November 2017	Management Committee	Author: Julia Charters Added Definitions. Added sections relating to each Australian Privacy Principle. Added information on how long records must be kept under <i>Education and Care Services National Law</i> . Added new Heritage Privacy Statement and added to Enrolment Form. Added Summary of Key Responsibilities Updated Rationale and Reference sections. Added Appendices: Relevant Legislation and Heritage Privacy Statement.
6	December 2020	Director	Updated references. No other changes.
7	9 May 2023	Management Committee	Author: Julia Charters Minor edits, no major changes to procedures. Tabulated, updated and added hyperlinks in Legislative Background. Included more detail on the disclosure of sensitive information. Added Procedure for Notifiable Data Breaches (NDB) under the Privacy Act 1988. Clarified and added Complaints Procedure to Policy and Privacy Statement and added relevant hyperlinks.

Appendix 1: The Heritage Early Childhood Centre Privacy Statement

Heritage recognises its responsibility to uphold the [Australian Privacy Principles](#) and [Education and Care National Law and Regulations 2011](#), including [Regulation 181](#) – Confidentiality of Records, and takes the privacy of its staff, families and enrolled children seriously. Our [Privacy and Confidentiality Policy](#), details how we collect, hold, use, disclose and provide access to personal information, including health information. We take all practicable steps to ensure that the details we retain about our families and educators are accurate, up to date and held securely. If we collect health information, our procedures are subject to the [Health Records \(Privacy and Access\) Act 1997](#).

The reasons for which we collect personal information:

- Meet our legal obligations.
- Allow us to carry out our duty of care including health and safety considerations.
- Provide the best possible education and care for each enrolled child.
- Ensure the welfare of educators and all other staff and supervised students.
- Manage the service and meet its' obligations under the service Constitution.
- Meet insurance requirements.
- Facilitate day-to-day administration and delivery of the service.
- Correspond with parents/guardians relating to their child's day to day activities.
- For use in emergencies.
- Gain payments from Government agencies such as Child Care Subsidy.
- Enable communication between the Committee, employees and enrolled families.
- Assess job applicants, contractors, employees, volunteers or students and administer their employment, contracts or placements.
- Continuously monitor the quality of the service.
- Create newsletters, displays in rooms and promotional material including on our website.

Some personal/health information held about an individual may be disclosed to:

- Government departments or agencies, as part of our legal and funding obligations.
- Local government authorities, for planning purposes.
- Organisations providing services related to employee entitlements and employment.
- Insurance providers, in relation to specific claims or for obtaining cover.
- Law enforcement agencies.
- Health organisations and/or families in circumstances where the person requires urgent medical assistance and is incapable of giving permission.
- Anyone to whom the individual authorises us to disclose information.

Laws that require us to collect specific information

The *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, [Associations Incorporation Act 1991 \(ACT\)](#) and employment-related laws and agreements require us to collect specific information about individuals. Failure to provide the required information could affect a child's enrolment at the service, a person's employment with the service or the ability to function as an Incorporated Association.

Access to information

- Individuals about whom we hold personal information, including health information, are able to access this information promptly in accordance with applicable legislation.
- Any member of the Heritage community may seek access to view or update their own or their child's personal or health information at any time contacting the Director (or the Secretary of the Management Committee).

Complaints Procedure

- Individuals may make a complaint to the Director if they believe there has been a breach of their privacy. The breach will be assessed 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 with the individual to resolve the situation, in line with the Complaints and Grievance Management Policy.
- If you are not satisfied with the response, you are able to [lodge a complaint with the Office of the Australian Information Commissioner](#).