

Governance & Leadership

Confidentiality and Privacy Policy.

Our Vision.

To give every child **the best start in life.**

Our Mission.

To deliver high quality childcare and exciting learning opportunities for every child, giving them a head start as they prepare for school.

Our Values.

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| Care | We take care of the children entrusted to us and our dedicated staff. All are appreciated and diversity is valued. |
| Quality | We maintain the highest standards in care and safety and provide exceptional early years education. |
| Service | We provide exceptional service and are integral to supporting parents bringing up children. |
| Value | We provide outstanding value for our families. |



Busy Bees Early Learning Australia acknowledges that privacy is a fundamental human right. Our Services have an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and Families as outlined in Early Childhood Code of Ethics, Education and Care Services National Regulations and the Privacy Act 1998 (Cth). The right to privacy of all children, their Families, and educators and employees of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All employees will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with Families.

NATIONAL QUALITY STANDARDS (NQS)

QUALITY AREA 7 - Governance and Leadership	
7.1 - Governance	7.1.1 - Service Philosophy and Purpose
	7.1.2 - Management Systems
	7.1.3 - Roles and Responsibilities
7.2 - Leadership	7.2.1 - Continuous Improvement
	7.2.3 - Development of Professionals

EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS

Part 6	Compliance with this Law (Law - 175)
Part 4.7	Governance and Leadership (Regs - 160, 168, 181, 183)

RELATED POLICIES

Child Enrolment and Orientation Policy	Record Keeping and Retention Policy
Code of Conduct Policy	Social Media Policy

PURPOSE

The objective of this policy is to preserve private and confidential files of the children, Families, employees, and visitors using the Service.

We aim to protect the privacy and confidentiality by ensuring continuous improvement on our current systems use, storage and disposal of records, ensuring that all records and information about individual children, Families, employees, and management are preserved in a secure place and are only retrieved by or released to people who need the information to fulfil their responsibilities at the Service or have a legal obligation to distinguish.

SCOPE

This policy applies to children, Families, employees, management, and visitors of the Service.

POLICY

Early Childhood Services are required to comply with Australian privacy law which includes the Privacy Act 1988.

The new law introduces a Notifiable Data Breaches (NDB) scheme that requires Early Childhood Services, Family Day Care Services and Out of School Hours 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 that are "likely" to result in "serious harm."

Businesses that suspect an eligible data breach may have occurred, must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected. A failure to notify that is found to constitute a serious interference with privacy under the Privacy Act may result in a fine of up to \$360,000 for individuals or \$1.8 million for organisations.

To comply with the Privacy Act, Services are required to follow the Australian Privacy Principles (APPs), which are contained in Schedule 1 of the Privacy Act 1988 (Privacy Act).

In particular, the principles cover how personal information can be used and disclosed (including overseas), keeping personal information secure, and the open and transparent management of personal information including having a privacy policy.

The principles cover:

- The open and transparent management of personal information including having a privacy policy
- An individual having the option of transacting anonymously or using a pseudonym where practicable
- The collection of solicited personal information and receipt of unsolicited personal information including giving notice about collection
- How personal information can be used and disclosed (including overseas)
- Maintaining the quality of personal information
- Keeping personal information secure
- Right for individuals to access and correct their personal information

The APPs place more stringent obligations on APP entities when they handle 'sensitive information'.

Sensitive information is a type of personal information and includes information about an individual's:

- Health (including predictive genetic information)
- Racial or ethnic origin
- Political opinions
- Membership of a political association, professional or trade association or trade union
- Religious beliefs or affiliations
- Philosophical beliefs
- Sexual orientation or practices
- Criminal record
- Biometric information that is to be used for certain purposes
- Biometric templates

Australian Privacy Principles (APPs)

APP 1 – Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 – Anonymity and Pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply

APP 3 – Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 – Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 – Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 – Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 – Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 – Cross-order disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 – Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier or use or disclose a government related identifier of an individual.

APP 10 – Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 – Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference, and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 – Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 – Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals

Management will:

- Provide employees with relevant changes
- Make sure all relevant employees understand the requirements under Australia's privacy law
- Keep up to date with the Australian Privacy Principles (this may include delegating a team member to oversee all privacy-related activities to ensure compliance).
- Ensure personal information is protected in accordance with our obligations under the Privacy Act 1988 and Privacy amendments (Enhancing Privacy Protection) Act 2012
- Ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations
- Ensure the Service acts in accordance with the requirements of the Privacy Principles and Privacy Act 1988 by developing, reviewing and implementing procedures and practices that identify
 - the name and contact details of the Service;
 - what information the Service collects and the source of information
 - why the information is collected;
 - who will have access to the information

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- collection, storage, use, disclosure and disposal of personal information collected by the Service
- any law that requires the particular information to be collected;
- adequate and appropriate storage for personal information collect by the Service
- protection of personal information from unauthorised access
- Ensure the appropriate use of images of children
- Ensure all employees, students volunteers and Families are provided with a copy of this policy
- Deal with privacy complaints promptly and in a consistent manner, following the Service's Grievance Procedures. Where the aggrieved person is dissatisfied after going through the grievance process
- Ensure Families only have access to the files and records of their own children
- Ensure information given to Educators will be treated with respect and in a professional manner
- Ensure children and employee files are stored in a locked and secure cabinet
- Ensure Information relating to employee's employment will remain confidential to the people directly involved with making personnel decisions
- Information shared with us by the Family will be treated as confidential unless told otherwise

Nominated Supervisor will:

- Adhere to centre policies and procedures, supporting management
- Ensure employees, volunteers and Families are aware of the privacy and confidentiality policy
- Ensure the Service obtains consent from parents and/or guardian of children who will be photographed or videoed by the Service
- Ensure Families only have access to the files and records of their own children
- Ensure children and employee files are stored in a locked and secure cabinet
- Information given to employees will be treated with respect and in a professional manner
- Ensure only necessary information regarding the children's day to day health and wellbeing is given to non-primary contact educators – for example food allergies
- Will not discuss individual children with people other than the Family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the Family beforehand
- Information shared with us by the family will be treated as confidential unless told otherwise

Responsible Persons and Employees will:

- Read and adhere to the privacy and confidentiality policy at all times
- Ensure recording information and photographs of children are kept secure and may be requires at any time by the child's parents or guardian
- Ensure Families only have access to the files and records of their own children
- Ensure children and employee files are stored in a locked and secure cabinet
- Treat private and confidential information with respect in a professional manner
- Will not discuss individual children with people other than the Family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the Family beforehand
- Information shared with us by the Family will be treated as confidential unless told otherwise
- Always maintain individual and Service information and store documentation according to this policy
- Not share information about the individual or Service, management information, or other employees as per legislative authority
- Adhere to Code of Conduct requirements

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Personal information our Service may request regarding children:

- Parent contact details
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records
- Developmental records and summaries
- External agency information
- Custodial arrangements
- Incident reports
- Medication reports
- Child care benefit and child care rebate information
- Medical records
- Permission forms

Personal information our Service may request regarding an employee:

- Personal details
- Tax information
- Working contract
- Emergency contact details
- Medical Details and Medical History
- Immunisation details
- Working with children check
- Qualifications and Resume
- Superannuation details
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates
- Right to Work in Australia

SOURCES

[ACECQA](#)

[National Quality Standard](#)

[Education and Care services National Regulations](#)

[Education and Care Service National Law Act 2010](#)

[Early Childhood Australia](#)

[Commonwealth Privacy Act 1988](#)

[United Nations Convention of Rights of a Child](#)

[Australian Information Commission – Australian Privacy Principles](#)

[Early Childhood Australia Code of Ethics](#)

[Australian Childcare Alliance – Changes to Australia's Privacy Law](#)

VERSION CONTROL

This policy will be reviewed every 2 years and/or in line with legislation and organisation requirements.

Version	Date	Owner	Responsibility	Change Description
1	01/0107/2023	Chief Operating Officer	Policy Development Officer	Replace all previous versions

This document is uncontrolled when printed and may be varied, replaced, or terminated without notice.