

# PRIVACY AND CONFIDENTIALITY POLICY

## OVERVIEW:

Education and Care Services National Regulations require the service ensure that information kept in a record under these Regulations is not divulged or communicated, directly or indirectly, to another person other than for the reasons detailed in regulation 181

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	NATIONAL QUALITY STANDARD	OTHER SERVICE POLICIES/ DOCUMENTATION	OTHER
145 – 152, 168, 174 – 177, 181, 183.	4.2, 5.1, 7.3	<ul style="list-style-type: none"> <li>- Governance and Management Policy.</li> <li>- Enrolment Form.</li> <li>- Parent Handbook.</li> <li>- Staff Handbook.</li> <li>- Personnel files.</li> </ul>	<ul style="list-style-type: none"> <li>- My Time, Our Place.</li> <li>- Network OSHC Code of Conduct.</li> <li>- Network Record Keeping Factsheet.</li> <li>- Work, Health and Safety Act (2011).</li> <li>- Privacy Act (1988).</li> <li>- Child Care Service Handbook (DEEWR).</li> <li>- Child Care Benefit legislation.</li> </ul>

## OUTLINE:

This policy outlines the procedures put in place to ensure the protection of privacy and confidentiality of individuals associated with the service, to include the collection, maintenance and disclosure of information, and retention and storage of records.

## WHO THE POLICY AFFECTS?

Management  
Staff  
Students  
Parents

## **POLICY STATEMENT:**

Privacy is acknowledged as a fundamental human right. Our OOSH Service has 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 1988 (Cth).

The right to privacy of all children, their families, and educators and staff of the Out of School Hours Care Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

**SUNBEAMS** will make every effort to protect the privacy and confidentiality of all individuals associated with the service by ensuring that all records and information about individual children, families, educators, staff and management are kept in a safe and secure place and is not divulged or communicated, directly or indirectly, to another person other than:

- To the extent necessary for the education and care of the child
- To the extent necessary for medical treatment of the child
- Family of the child to whom the information relates
- The Regulatory Authority or an authorised officer as expressly authorised, permitted or required under the Education and Care Services National Law and Regulations
- With the written consent of the person who provided the information.

## **PROCEDURES:**

### **(A) COLLECTION OF PERSONAL INFORMATION:**

- Before collecting personal information, the service will inform individuals of the following:
  - ✓ The purpose for collecting the information.
  - ✓ What types of information will be disclosed to the public or other organisations?
  - ✓ When disclosure will happen.
  - ✓ Why disclosure needs to occur.
  - ✓ How information is stored.
  - ✓ The strategies 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 retain; and
  - ✓ How information will be disposed of.
- All information regarding the children and their families attending the service is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating the service.
- All information regarding any child/family enrolled in the service will only be accessible to authorised persons. The Approved Provider and the Nominated Supervisor will determine who is authorised to access records.



### **(B) RETENTION AND STORAGE OF RECORDS:**

- Sunbeams will ensure that documents set out in the Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2).
- The Approved Provider will develop a practice in relation to the retention and disposal of records.
- If approval of the service is transferred, the requirements of Regulation 184 will be followed.

### **(C) DISCLOSURE OF INFORMATION:**

- Personal information regarding the children and their families is not to be discussed with anyone inside or outside the service, except in circumstances outlined in Regulation 181.
- Families may seek access to the personal information collected about them and their child by contacting the Nominated Supervisor at the service. Children may also seek access to personal information about themselves. However, access may be denied where access would impact on the privacy of others; where access may result in a breach of the service's duty of care to the child; or where the child has provided information in confidence.
- Lists of children's or families' names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.
- No personal information regarding a staff member is to be given to anyone without his/her written permission.
- Educators, when outside their work hours are still bound by their confidentiality agreement. This includes personal conversations and any posts on social media platforms.
- Exchange of information between Sunbeams and Lakes Grammar school are still bound by confidentiality and is not automatically allowed. Authorisation is required or if under Child Protection requirements and legislation.

### **(D) PERSONAL CONVERSATIONS:**

- Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in an area that affords them privacy.
- Personal conversations with educators and staff about matters relating to their performance will take place in an area that affords them privacy.
- Personal conversations between staff and teachers or staff at Lakes Grammar are to not distract from your day to day responsibilities while working at Sunbeams and should not involve conversations about children in Sunbeams or the school unless correct authorisation or Child Protection considerations have been thought of.



### **(E) MAINTENANCE OF INFORMATION:**

- The Approved Provider / Nominated Supervisor is responsible for maintaining all service records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, for example, Work, Health and Safety, Australian Taxation Office, Family Assistance Office, Department of Education, Employment and Workplace Relations (DEEWR) and for ensuring that information is updated regularly.
- The service takes all reasonable precautions to ensure personal information that is collected, used and disclosed is accurate, complete and up to date.
- Individuals will be required to advise the service of any changes that may affect the initial information provided.

### **SUNBEAMS WILL ENSURE:**

- ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations
- regularly back-up personal and sensitive data from computers to protect personal information collected
- ensure all computers are password protected and install security software- antivirus protection
- ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations [regulation 183 (2)]
- ensure the appropriate and permitted use of images of children
- ensure all employees, students, volunteers, and families are provided with a copy of this policy
- 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 and confidential manner
- ensure individual child and staff files are stored in a locked and secure cabinet
- ensure information relating to staff employment will remain confidential and available only to the people directly involved with making personnel decisions
- ensure that information shared with the Service by the family will be treated as confidential unless told otherwise
- ensure documented information and photographs of children are kept secure but may be accessed at any time by the child's parents or guardian
- treat private and confidential information with respect in a professional manner
- 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
- ensure that information shared with the service 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 staff as per legislative authority.



**Personal information our Service may request regarding enrolled children:**

- " Child's name
- " Gender
- " Date of birth
- " Address
- " Birth Certificate
- " Religion
- " Language spoken at home
- " Emergency contact details and persons authorised to collect individual children
- " Primary school attending
- " Children's health requirements
- " Immunisation records- (Immunisation History Statement)
- " Developmental records and summaries
- " External agency information
- " Custodial arrangements or parenting orders
- " Incident reports
- " Medication reports
- " Child Care Subsidy information
- " Medical records
- " Permission forms – including permission to take and publish photographs, video, work samples
- " Doctor's contact information
- " Centrelink Customer Reference number (CRN)
- " Dietary requirements

**Personal information our Service may request regarding parents and caregivers:**

- " Parent/s full name
- " Address
- " Phone number (mobile & work)
- " Email address
- " Bank account or credit card detail for payments
- " Centrelink Customer Reference number (CRN)
- " Custody arrangements or parental agreement

**Personal information our Service may request regarding staff and volunteers:**

- " Personal details
- " Tax information
- " Banking details
- " Working contract
- " Emergency contact details
- " Medical details
- " Immunisation details [including COVID-19 vaccinations]
- " Working with Children Check verification
- " Educational Qualifications
- " Medical history
- " Resume



- " Superannuation details
- " Child Protection qualifications
- " First Aid, Asthma and Anaphylaxis certificates
- " Professional Development certificates
- " PRODA related documents such as RA number and background checks

#### Method of Collection:

Information is generally collected using standard forms at the time of enrolment.

Additional information may be provided to the Service through email, surveys, telephone calls or other written communication.

Information may be collected online using software such as CCS software or program software

#### ENDORSEMENT FROM THE SERVICE:

The policy will be reviewed as required. The review will be conducted by management, staff, children, families and the wider community.

Last reviewed: September 2025

Date of next review: March 2027

APPROVAL DATE: \_\_\_\_\_

DATE FOR REVIEW: \_\_\_\_\_