



Confidentiality Policy

The right to confidentiality and privacy of the child and the family is outlined in Early Childhood Code of Ethics and National Education and Care Regulations. We will respect the privacy of children and their parents and educators. Confidentiality will be maintained with all issues relating to personal information, while ensuring that children and families have access high quality early years care and education in our Preschools.

Management, Committee and staff at Queanbeyan & District Preschool Association will sign a Confidentiality Agreement at the commencement of their involvement with the Association. This agreement reinforces the importance of using information appropriately and safeguarding information from unauthorised disclosure or use, whether this information is directly related or incidental to their involvement with Queanbeyan & District Preschool Association.

National Quality Standard (NQS)

Quality Area 7: Governance and Leadership

7.1	Governance	Governance supports the operation of a quality service
7.1.1	Service philosophy and purposes	A statement of philosophy guides all aspects of the service’s operations
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defines, and understood and support effective decision making and operation of the service
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community

Education and Care Services National Regulations

Children (Education and Care Services) National Law NSW

168	Education and care services must have policies and procedures
181	Confidentiality of records kept by approved provider
181 & 184	Confidentiality and storage of records

PURPOSE

To preserve private and confidential files of the children, families, staff and visitors using QDPA Preschools. 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, educators 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, staff, management and visitors of QDPA Preschools.



IMPLEMENTATION

All Early Childhood Services are required to comply with Australian privacy law which includes the Privacy Act 1988 (the Act) which was amended in February 2017, with the changes due to take effect on February 22nd 2018.

The new law introduces a Notifiable Data Breaches (NDB) scheme that requires Early Childhood 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.

In order to comply with the Privacy Act, Early Childhood 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



Enrolment Records

- Before a child can commence at preschool, a parent/guardian will be required to complete an enrolment card.
- Information on the enrolment card will include the names of parents/guardians, contact details, custodial access, medical history, cultural background, and areas of concern.
- Information on the enrolment cards will be made available to all staff working directly with the children, and the Office Administrator employed by the Association.
- Enrolment cards will be stored in a safe and secure place.
- Details will not be discussed with other families.

Children's Individual Records

- Information regarding personal information of the children will be stored in a secure cupboard or filing cabinet.
- Children's individual records will be available to parents on request.
- Personal Information and developmental records will only be shared with therapists or school staff if parent permission has been granted or as per Keeping Them Safe interagency guidelines.

Students and Volunteers

- Students and volunteers will be advised of the need to maintain confidentiality at all times.
- Observations of children will only be undertaken if parents have indicated permission by signing the enrolment card.
- In written observations and reports children will be identified by initials or first name only.

Child Protection

- If a parent discloses information to a member of staff that suggests abuse to a child, then the member of staff must report their concerns to the Department of Education and Communities. In such cases, the safety of the child will take precedence over the issue of confidentiality.

Staff Information

- Any communication (verbal or written) relating to staff will be kept confidential between the Management Board, Administration Officer and the member(s) of staff concerned. Details will not be discussed with other parties.
- Staff information may include:
 - Requests for leave
 - Performance appraisals
 - Employment and dismissal
 - Staff counselling
 - Personal issues
 - Complaints
 - Employment contracts
 - Personal contact details

Management Issues

From time to time, issues may arise that will be regarded as "Confidential". At such times, the Managing Director will choose to discuss and document the issues in a closed forum, rather than the open forum of the monthly Management Committee Meeting.



Further Reading:

1. *Code of Ethics at Work*, AECA Publication.
2. *Code of Conduct*
3. Child Protection Policy.
4. QDPA Privacy Policy
5. Australian Children's Education & Care Quality Authority.
6. Guide to the Education and Care Services National Law and the Education and Care Services National Regulations
7. Guide to the National Quality Standard.
8. United Nations Convention of the Rights of a child
9. Privacy Act 1988
10. Revised National Quality Standard
11. Australian Childcare Alliance – Changes to the Australia's Privacy law
12. Office of the Australian Information Commission – Australian Privacy Principles
 - o <https://www.oaic.gov.au/agencies-and-organisations/app-guidelines/>
 - o <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Review

Policy Reviewed	Modifications	Next Review Date
December 2019	- Up-dated to include changes to Privacy Law	Dec 2019