

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, while ensuring that they access high quality early years care and education in our Service.

## Education and Care Services National Regulations

<b>Children (Education and Care Services) National Law NSW</b>	
<b>168</b>	Education and care services must have policies and procedures
<b>181</b>	Confidentiality of records kept by approved provider
<b>181-184</b>	Confidentiality and storage of records

## National Quality Standards (NQS)

<b>Quality Area 4: Staffing Arrangements</b>	
<b>4.2.1</b>	Professional standards guide practice, interactions and relationships.
<b>4.2.3</b>	Interactions convey mutual respect, equity and recognition of each other's strengths and skills

<b>Quality Area 5: Relationship with Children</b>	
<b>5.2.3</b>	The dignity and the rights of every child are maintained at all times

<b>Quality Area 6: Partnership with Families</b>	
<b>6.1</b>	Respectful supportive relationships are developed and maintained

<b>Quality Area 7: Leadership and Service Management</b>	
<b>7.1</b>	Effective leadership promotes a positive organisational culture and builds a professional learning community.
<b>7.2</b>	There is a commitment to continuous improvement
<b>7.3</b>	Administrative systems enable the effective management of a quality Service.

## Purpose

The purpose of the Policy is to detail how we protect your privacy and how we comply with the requirements of the Privacy Act and the 13 Australian Privacy Principles and the Health Records and Information Privacy Act 2002.

Columba Cottage Early Learning Centre, henceforth known as CCELC, will preserve private and confidential files of the children, families, staff and visitors using the Service. We aim to protect 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 the Service.

## Who do we collect personal information from?

At CCELC we collect personal information from parents, caregivers, prospective parents, job applicants, staff, volunteers, coaches, and others including past students, contractors, visitors and others that come into contact with the Service.

## What kinds of personal information do we collect?

The kinds of personal information we collect is largely dependent upon whose information we are collecting and why we are collecting it, however in general terms the Service may collect:

**Personal Information** including names, addresses and other contact details; dates of birth; next of kin details; financial information, photographic images and attendance records.

**Sensitive Information** (particularly in relation to child and parent records) including religious beliefs, government identifiers, nationality, country of birth, languages spoken at home, professional memberships, family court orders; and

**Health Information** (particularly in relation to child and parent records) including medical records, disabilities, immunisation details, individual health care plans, counselling reports, nutrition and dietary requirements.

## **How do we collect your personal information?**

How we collect personal information will largely be dependent upon whose information we are collecting. If it is reasonable and practical to do so, we collect personal information directly from you.

Where possible the Service has attempted to standardise the collection of personal information by using specifically designed forms (e.g. an Enrolment Form). However, given the nature of our operations, we often also receive personal information by email, letters, over the telephone, in face to face meetings and through financial transactions.

We may also collect personal information from other people (e.g. a personal reference) or independent sources (e.g. a telephone directory), however, we will only do so where it is not reasonable and practical to collect the information from you directly.

Sometimes we may be provided with your personal information without having sought it through our normal means of collection. We refer to this as “unsolicited information”. Where we collect unsolicited information we will only hold, use and/or disclose that information if we could otherwise do so had we collected it by normal means. If that unsolicited information could not have been collected by normal means then we will destroy, permanently delete or de-identify the information as appropriate.

## **How we use personal information**

We only use personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose) or for a related secondary purpose that would be reasonably expected by you, or to which you have consented.

Our primary uses of personal information include but are not limited to:

- Providing education, pastoral care, extra-curricular and health services;

- Satisfying our legal obligations including our duty of care and child protection obligations;

- Keeping parents informed as to CCELC community matters through correspondence, newsletters and Storypark;

- Supporting community based causes and activities, charities and other causes in connection with the Service’s functions or activities;

- Helping us to improve our day to day operations including training our staff; systems development; developing new programs and services; undertaking planning, research and statistical analysis;

- Service administration including for insurance purposes;

- The employment of staff;

- The engagement of volunteers.

We only collect sensitive information reasonably necessary for one or more of these functions or activities, if we have the consent of the individuals to whom the sensitive information relates, or if the collection is necessary to lessen or prevent a serious threat to life, health or safety, or another permitted general situation (such as locating a missing person) or permitted health situation (such as the collection of health information to provide a health service) exists.

If we do not have the relevant consent and a permitted health situation or permitted general situation does not exist, then we may still collect sensitive information provided it relates solely to individuals who have regular contact with CCELC in connection with our activities. These individuals may include students, parents, volunteers, former students and other individuals with whom CCELC has regular contact in relation to our activities.

We will only use or disclose sensitive information for a secondary purpose if you would reasonably expect us to use or disclose the information and the secondary purpose is directly related to the primary purpose.

## **When we disclose personal information**

We only use personal information for the purposes for which it was given to us, or for purposes which are related (or directly related in the case of sensitive information) to one or more of our functions or activities. We may disclose your personal information to government agencies, other services, recipients of service publications, visiting teachers, counsellors and coaches, our service providers, agents, contractors, business partners and other recipients from time to time, only if one or more of the following apply:

You would reasonably expect us to use or disclose your personal information in this way;

Disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety;

Where another permitted general situation or permitted health situation exception applies;

Disclosure is reasonably necessary for a law enforcement related activity.

## **Personal information of children**

The Privacy Act does not differentiate between adults and children and does not specify an age after which individuals can make their own decisions with respect to their personal information.

At Columba Cottage Early Learning Centre we take a common sense approach to dealing with a child's personal information and generally will refer any requests for personal information to a child's parents/

caregivers. We will treat notices provided to parents/caregivers as notices provided to children and we will treat consents provided by parents/caregivers as consents provided by a child.

## **How we ensure the quality of your personal information**

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up to date. On an ongoing basis we maintain and update personal information when we are advised by individuals or when we become aware through other means that their personal information has changed.

Please contact us if any of the details you have provided change. You should also contact us if you believe that the information we have about you is not accurate, complete or up to date.

## **How to gain access to your personal information we hold**

You may request access to the personal information we hold about you, or request that we change the personal information, by contacting us.

If we do not agree to provide you with access, or to amend your personal information as requested, you will be notified accordingly. Where appropriate we will provide you with the reason/s for our decision. If the rejection relates to a request to change your personal information you may make a statement about the requested change and we will attach this to your record.

The school may impose a charge for giving access to the requested personal information. The charge will reflect the cost to St Columba Anglican School Incorporated when complying with the request, and may include:

- Staff costs in searching for, locating and retrieving the requested personal information, and deciding which personal information to provide to the individual.
- Staff costs in reproducing and sending the personal information.
- Costs of postage or materials involved in giving access.
- Costs associated with using an intermediary.

## **Implementation**

Early Childhood Services are obligated to comply with privacy and health records legislation (by law, service agreements and licensing requirements) when collecting personal and health information about individuals.

We store personal information in a variety of formats including on databases, in hard copy files and on personal devices including laptop, computers, mobile phones and iPads. CCELC may store information in the 'cloud' which may mean that it resides on servers which are situated outside of Australia.

The security of your personal information is importance to us and we take all reasonable steps to protect the personal information we hold about you from misuse, loss, unauthorised access, modification or disclosure.

*Nominated Supervisor/Director will:*

- Restrict access to information on the Service databases on a need to know basis with different levels of security being allocated to staff based on their roles and responsibilities and security profile.
- Ensure physical security measures are implemented around the Service buildings and grounds to prevent break-ins.
- Ensure personal information is protected in accordance with our obligations under the Privacy Act 1988 (Cth) and Privacy amendments (Enhancing Privacy Protection) Act 2012 (Cth)
- 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
  - 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 collected by the Service
  - protection of personal information from unauthorised access
- Ensure the appropriate use of developmental information and images of children on Storypark, email and newsletters is maintained.
- Ensure all employees, students and volunteers are provided with a copy of this policy.
- Deal with privacy complaints promptly and in a consistent manner, following the Grievance 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 manner.
- Implement human resource policies and procedures, such as email and internet usage, confidentiality and document security policies, designed to ensure that staff follow correct protocols when handling personal information.
- Ensure the Service obtains consent from parents/caregivers of children who will be photographed or videoed by the Service.

- 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.
- 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 information shared with us by the family will be treated as confidential unless told otherwise.
- Ensure where sensitive and health information is stored in hard copy files that these files are stored in lockable filing cabinets in lockable rooms. Access to these records is restricted to staff on a need to know basis.
- Undertake due diligence with respect to third party service providers who may have access to personal information, including cloud service providers, to ensure as far as practicable that they are compliant with the Australian Privacy Principles.

### *Educators and Staff will:*

- Read and adhere to the Confidentiality & Privacy Policy at all times.
- Ensure information and photographs of children are kept secure and may be requested to view at any time by the child's parents or caregiver.
- Ensure families only have access to the files and records of their own children.
- Treat private and confidential information with respect in a professional manner.
- Not discuss confidential information about an individual child with people other than the family of that child, except for the purposes of curriculum planning or group management with educators.
- Ensure communication in other settings is approved by the family beforehand.
- Ensure information shared with us by the family will be treated as confidential unless told otherwise.
- Maintain individual and service information and store documentation according to this policy at all times.
- Not share information about the individual or service, management information, or other staff as per legislative authority.

### **Privacy Complaints**

If you wish to make a complaint about a breach by us of the Australian Privacy Principles or the Health Privacy Principles, you may do so by providing your written complaint by email, letter, or by personal delivery to the Nominated Supervisor/Director. You may also make a complaint verbally.

We will respond to your complaint within a reasonable time (usually no longer than 30 days) and we may seek further information from you.

Your complaint may also be taken to the Office of the Australian Information Commissioner.

## CCTV

Columba Cottage operates CCTV at various locations throughout the premises. The purpose of this surveillance being carried out is primarily to ensure the safety and security of staff, children, visitors, contractors and others on the site. Therefore, all persons on the company's premises may be subject to camera surveillance. This surveillance is both continuous and ongoing.

Camera footage may be accessed and used as evidence for the purposes of an investigation by management. This may include but is not limited to theft, assault, and damage to company property, breaches or suspected breaches of company policy. Surveillance records obtained by Columba Cottage may be provided to other parties including courts, the police or other law enforcement authorities where required.

Monitoring and access will only be by the onsite management team. All equipment is password protected and is stored in an appropriate location. Should you have any questions about this system please do not hesitate to contact the Director.

## How to Contact Us

You can contact us about this Policy or about your personal information by emailing us at:  
admin@cclc.nsw.edu.au

If practical, you can contact us anonymously (i.e. without identifying yourself) or by using a pseudonym. However, if you choose not to identify yourself, we may not be able to give you the information or provide the assistance you might otherwise receive if it is not practical to do so.

Columba Cottage Early Learning Centre

1 Iona Avenue, Port Macquarie

NSW 2444 Australia

T: 02 6581 4188 | F: 02 6581 4690

E: admin@cclc.nsw.edu.au

W: www.cclc.nsw.edu.au

## References

- Australian Children's Education & Care Quality Authority. (2014).
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations
- ECA Code of Ethics.

- Guide to the National Quality Standard.
- National Privacy Principles  
<https://www.oaic.gov.au/privacy-law/privacy-archive/privacy-resources-archive/national-privacy-principles>
- Privacy Victoria  
[www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)
- United Nations Convention of the Rights of a child
- Privacy Act 1988

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