

A-17 Privacy and Confidentiality

Epping Heights OSHC.

NQS

QA. 7.1	Governance.
QA. 7.1.2	Management systems.

National Regulations

Reg. 111	Administrative space
Reg. 147	Staff members
Reg. 158	Children's attendance record to be kept by approved provider
Reg. 160	Child enrolment records to be kept by approved provider and family day care educator
Reg. 161	Authorisations to be kept in enrolment record
Reg. 162	Health information to be kept in enrolment record
Reg. 168	Education and care service must have policies and procedures
Reg. 177	Prescribed enrolment and other documents kept by approved provider
Reg. 181	Confidentiality of records kept by approved provider
Reg. 183	Storage of records and other documents

POLICY STATEMENT

We will ensure that all personal information remains confidential. Parents and Educators will be informed as to what and how personal information is collected and its use and storage. Information will be disclosed to appropriate persons and bodies as required under legislation only. The privacy of all persons will be respected at all times

RELATED POLICIES

- Epping Heights OSHC Policy A-2: Priority of Access Policy
- Epping Heights OSHC Policy A-4: Enrolment Policy
- Epping Heights OSHC Policy A-11: Maintenance of Records Policy
- Epping Heights OSHC Policy A-11: Acceptance and Refusal of Authorisations
- Epping Heights OSHC Policy A-15: Role of Management Committee
- Epping Heights OSHC Policy C-8: Disciplinary Action Policy
- Epping Heights OSHC Policy D-11: Management of an Incident, Injury or Trauma Policy
- Epping Heights OSHC Policy D-16: Asthma Policy
- Epping Heights OSHC Policy D-17: Anaphylaxis Policy
- Epping Heights OSHC Policy D-20: Medication Policy
- Epping Heights OSHC Policy D-22: Child Protection Policy

PROCEDURE

Privacy is to be respected at all times

No information is to be given out without written authority from the parent or legal guardian. The only exceptions will be for use by the Management Committee, Administrative Services Provider, Centre Educators and Police or Community Services.

The only exceptions will be in regard to Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998. Which allows information to be exchanged between prescribed bodies despite other law that prohibit or restrict the disclosure of personal information.

Confidential information, such as enrolment forms, will be stored in a secure cabinet which is only accessible to Educators. These cupboards will be locked during times when the service is not open (including overnight).

Confidential discussions at meetings shall be kept as so, and once the meeting is closed, details should not be discussed with those outside the meeting. Where a confidential matter is to be discussed, the committee may request any persons not privy to the information leave whilst the discussion is had. The matter should be minuted in a way where it does not identify the individual.

Any information given in confidence to an Educator should remain between that person and the Nominated Supervisor. If the Nominated Supervisor considers this information may impact on the wellbeing of any child or Educator at the centre, then the information will be discussed with the President, and action decided upon. Where the matter refers directly to Child Protection, the Nominated Supervisor or Educator may choose to make the decision to report without consulting the President. (See D-22: Child Protection Policy)

Communication between Educators and families regarding issues of a personal nature will be treated confidential at all times. There will be times when the parents need to speak in confidence with the staff of the centre. This will be done in a quiet, private area. The outdoor space may be utilised for such a discussion should there be nowhere appropriate to hold the discussion indoors. Appointments may be made with Educators and management to discuss if required.

Confidentiality will be taken seriously within the service. A professional approach will be utilised at all times. This will be discussed with all Educators in the centre on employment. Any failure to meet these confidentiality requirements may result in disciplinary action.

Educators / Committee contact details, phone numbers, addresses etc are not to be given out without their consent. In the event that someone needs to contact an Educator or committee member, a message will be taken and the details passed on to the appropriate persons for them to call back.

The following information will be collected on the enrolment of children in the service:

Personal information including name of child and parent/guardian, gender, date of birth of child and parent/guardian, residential address, contact names and phone numbers, email address, Medicare number.

Customer Reference Number (CRN) of registered parent/guardian and the child/children using the service. Any necessary court order documents regarding custodial arrangements.

Emergency names and numbers including child's medical practitioner

Cultural background for translation and cultural understanding

Pre-existing medical conditions and allergies

Pertinent information volunteered by parents that they consider is needed for Educators to cater for the individual needs of their child

Individual developmental needs, interests and significant dates for programming purposes from the child's perspective

Current immunisation status to manage transmittal of infectious diseases (see Illness and Infectious Diseases policy)

Permission to photograph children and display these photographs in the Centre.

Personal information relating to the A-2: Priority of Access Policy

The following information will be collected during the operation of the Centre:

Photographs including personal identification photos for children with severe allergies.

Incident reports which will include incident, injury, trauma or illness records. (see D-11: Management of Incident, Injury, Trauma policy)

Financial records concerning fees collection.

Financial records concerning Child Care Subsidy

Journal entries noting information helpful to the care of the child.

Medication details for administration and monitoring of side effects

Court orders restricting access to child.

The following information will be collected at staff induction:

Personal information including name, gender, date of birth, residential address, emergency contact names and phone numbers, relevant identification documents and email address.

Financial information including bank details, superannuation and tax file number. (paid Educators only)

Contract of employment

Working with Children Check clearance certificate number and expiry

Resume including references.

Certificates with regard to relevant qualifications of courses completed.

Medical Restrictions

The following information will be collected during employment at the Centre:

Appraisal information for managing staff development

Grievance information

Payroll/timekeeping records

Details of wage and salary earnings (weekly and year to date)

Annual Payment Summaries (previously Group certificates).

Records of long service leave.

Records of annual leave and Personal / carers leave (permanent staff only)

Termination records (and final payment details)

Training records for the planning of Professional development

Parents and Educators may access their personal records and documentation upon request for the purpose of ascertaining whether the Centre holds accurate personal information relating to them.

As the Centre collects most personal information directly from the individual or their legal guardian, it is reasonable to assume that individual is aware that the information is held by the Centre and that the information is accurate at the time it is collected.

The Centre will not use personal information without taking steps as are reasonable in the circumstances to ensure that the information proposed to be used is relevant, accurate, up to date, complete and not misleading.

The Centre will not use personal information for a purpose other than for the reason it was collected unless the individual concerned consents or the new purpose relates to the original purpose. It will not disclose personal information unless it is to prevent a threat to the life or health of an individual and unless otherwise exempted under the Children and Young Persons (Care and Protection) Act (1998) or is required for legal proceedings in progress.

Procedures related to storage and maintenance of all records are detailed in the A-11: Maintenance of Records policy.

Where sensitive information is collected, or emailed to committee members for discussion pertinent to the running of the centre (e.g. Financial Hardship), the information will be sealed and stored in a confidential manner, once dealt with. At this point, all committee members and interested parties involved in the discussion will be asked to remove any email etc relating to the situation.

Notify issues of significance to:

NSW Early Childhood Education and Care Directorate
Department of Education and Communities

Locked Bag 4028
ASHFIELD NSW 2131

Phone: (02) 02 9716 2100 or 1800 619 113 (toll free)
Fax: (02) 9716 2162

Website: www.det.nsw.edu.au

E-mail: cslicensing@dhs.nsw.gov.au

SOURCES

- Education and Care Services National Regulations 2011
- National Quality Standard
- Children (Education and Care Services National Law Application) Act 2010
- Children and Young Persons (Care and Protection) Act (1998)
- Privacy Act 1988
- Australian Government – Department of Education, Employment and Workplace Relations (Priority of Access Guidelines)
- Health Records and Information Privacy Act (2002)
- Public Health Act (1991)
- Office of the Children’s Guardian -Working with Children Check NSW
- Network of Community Activities OOSH Factsheet – ‘Confidentiality’

Endorsed: 26/05/2021	Review Date: 26/05/2023
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