

# Privacy and confidentiality statement



## INTRODUCTION

Early childhood education and care services require personal information from families to provide appropriate and responsive care. This information needs to be maintained and managed by the education and care service in a private and confidential manner.

## GOALS - What are we going to do?

The education and care service will maintain private and confidential files for educators, children and their families. These records will be securely stored and maintained. The education and care service will maintain records according to the National Privacy Principles.

- » To the regulatory authority or an authorised officer,
- » As authorised, permitted or required to be given by or under any act or law, and
- » With written consent of the person who provided the information.

## STRATEGIES - How will it be done?

- The education and care service defines the aims of this statement through specific privacy and confidentiality policies. These are:
  - » Confidentiality Policy
  - » Record Keeping
  - » Online Privacy

These individual policies will guide practices within the education and care service.

### The Approved Provider will:

- Ensure that information collected from families, educators and the community is maintained in a private and confidential manner at all times.
- Ensure that such information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined as appropriate in the Education and Care Services National Regulations, 181, which says information can be communicated:
  - » To the extent necessary for the education, care or medical treatment of the child,
  - » To the parent of the child to whom the information relates (except for information in staff records),

### The Nominated Supervisor will:

- Maintain up-to-date enrolment records, including information from families on immunisation updates, contact details of family members, emergency contact information and any medical or legal information required by the education and care service.
- Ensure that education and care service records, personnel records, CCB information and children's information is stored according to policy and remains private and confidential within the education and care environment at all times.

### Educators will:

- Maintain children's information and store documentation according to policy at all times.
- Not share information about the education and care service, management information, other educators or children and families, without written permission or legislative authority.

## EVALUATION

All information pertaining to the education and care service, educators and families is maintained in a private and confidential manner in accordance with the *Commonwealth Privacy Act 1988* and the *Education and Care Services National Regulations*.

*\* This sample policy is for information purpose only. You are welcome to use this material, with acknowledgement to Community Child Care Co-operative (NSW).*

## Statutory Legislation & Considerations

- Privacy Act 1988 - [www.privacy.gov.au/law/act](http://www.privacy.gov.au/law/act)
- Privacy Amendment Private Sector Act 2000
- National Privacy Principles - [www.privacy.gov.au/materials/types/infosheets/view/6583](http://www.privacy.gov.au/materials/types/infosheets/view/6583)
- Privacy and Personal Information Protection Act 1998
- ECA - Code of Ethics
- Children (Education and Care Services National Law Application) Act 2010
- Education and Care Services National Regulations
- Guide to the National Quality Standard (3) ACECQA (2011)
- Children and Young Persons (Care and Protection) Act 1998

## Sources

- Office of the Australian Information Commissioner – [www.privacy.gov.au](http://www.privacy.gov.au)
- Australian Legal Information Institute - [www.austlii.edu.au](http://www.austlii.edu.au)
- Early Childhood Australia - [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

## Links to other policies/documents

- Child Protection
- Staff Code of Conduct
- Guidelines & Agreements for Enrolment
- Medication
- Medication Administration
- Confidentiality
- Record Keeping
- Online Privacy

- » **Links to Education and Care Services National Regulations: 177-184**
- » **Links to National Quality Standards/Elements: 7.3.1, 7.3.5**

