

<b>Policy Title:</b>	<b>Confidentiality and Privacy</b>
<b>Effective Date:</b>	August 2019
<b>Review Date:</b>	

## POLICY STATEMENT

ICC believes it is vitally important that all persons associated with ICC including staff, educators, families and children, students and volunteer workers, are treated with respect, and confidentiality is a major part of this.

It is also vital that all parties are respectful of the rights and information relating to one another.

ICC requires personal information from families to provide appropriate and responsive care. Therefore all educators and staff are to ensure that all confidential, sensitive documents and other information are never made available to unauthorised persons, including not providing information over the phone.

Inner City Care (ICC) acknowledges and respects the privacy of individuals and will comply with the requirements of the *Privacy Act 1988*

ICC is required under the *Privacy Act 1988* (Cth) ("the Act") to comply with the National Privacy Principles (NPP) in respect of the collection, use and disclosure of personal information from individuals

## POLICY DETAIL/ BUSINESS RULES

### COLLECTING INFORMATION

- Any information relating to a child's and family's personal circumstances may be disclosed to the staff, educators in accordance with the Privacy Policy but shall always remain private and confidential. All such information is to be kept in a lockable filing cabinet/cupboard which is not accessible by any unauthorised persons.
- Any information for staff members, educators, committee members, volunteers and student information is correct, update and relevant.
- Ensure that collecting information from families, Management Committee members and educators and staff is maintained in a private and confidential manner at all times.
- Ensure that families are informed at enrolment how images, photos and documentation of their children will be used and authorisation is given.
- It is in the best interest of all children and the staff that parents inform the Centre of their child's contagious condition. In return all parents will be informed when there are any contagious illnesses in the Centre – no names being disclosed.
- In the event of an aggressive confrontation between children which results in injury: an accident form must be completed by two attending staff members. The identity of the perpetrator will remain confidential at all times to protect them from possible victimisation by parents: especially if their aggressive behaviour is continual and directed at the same child/ren on a regular basis. Positive behaviour guidance will be practiced at all times. (Refer to the Behaviour Guidance Policy for more information).
- Parents have a right to know if their child is a perpetrator and displaying continued aggressive behaviour. Staff and parents will work out strategies together for dealing with it and how to manage it.
- This will apply at all times. However, there are three specific conditions where exceptions are made:
  - when required by law
  - when necessary to protect the welfare of the individual
  - when necessary to protect the welfare of society

NOTE: This will only be done at the discretion of the Director or Management Committee.

- Provide families with information on the Complaints or Grievance procedure if they feel any privacy or confidentiality has been breached. A complaint can be made to the Management Committee who are the Centre's approved provider. The breach will be assessed by the approved provider within 14 days. Depending on the nature of the breach a resolution will be made resolve the incident as soon as possible.
- The Centre will ensure that the information collected is used only for the purposes it was collected for.
- Ensure that information is not shared to another person unless under the following circumstances:
  - To the extent necessary for the education, care or medical treatment of the child or adult.
  - To the parent of the child to whom the information relates. (Except for information in staff or educators records).
  - To the regulatory authority or an authorised officer  
As authorized, permitted or required to be given by or under any act or law and
  - With written consent of the person who provided the information.
- Ensure each families information is correct in enrolment records, this includes information on:
  - Immunisation updates
  - Income and financial details
  - Contact details and emergency contact information
  - Family assistance information
  - Medical or legal information, such as family court documentation – required by ICC. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law or other relevant information to support the enrolment of a child.
- Provide families with details on the collection of personal information collected, This information will include:
  - The types of information collected by ICC
  - The purpose of collecting information
  - What types of information will be disclosed to the public or other agencies and when and why disclosure may occur
  - How information is stored at the Centre
  - Approaches 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 the information needs to be archived and
  - How information is disposed.

## HOW ICC WILL USE THE INFORMATION PROVIDED

ICC will use the personal information it collects for the primary purpose of collection which is to provide long day care to children. In relation to the personal information of students and parents/guardians, ICC's primary purpose of collection is to enable it to provide long day care for the students. This includes satisfying both the needs of parents/guardians and the

needs of the students throughout the whole enrolment period. The purposes for which ICC uses personal information include but are not limited to:

- keeping parents/guardians informed about matters relating to their child's care, through correspondence, newsletters and magazines;
- administrative matters;
- looking after children's educational, social and medical requirements;
- satisfying ICC's legal obligations and allowing it to discharge its duty of care;
- fulfilling legislative requirements such as Public Health and Child Protection laws.

In some cases where ICC requests personal information about a parent/guardian or child, if the information requested is not obtained, ICC may not be able to enroll or continue the enrolment of the student

## STORAGE OF INFORMATION

- ICC records, personnel records, CCS information and children's and families information is stored securely reducing the chance of unauthorised access, use of disclosure and remains private and confidential and kept at ICC at all times.
- Individuals will be allowed access to their personal information as requested.
- Authorised persons may request to view any information kept on their child.
- In keeping with the ECA, Code of Ethics and the Educational and Care Services National Regulations and the privacy legislation, educators and staff employed by ICC are bound to respect the privacy rights of children associated with ICC. Educators will sign a confidentiality agreement as it relates to privacy and confidentiality of information.
- Information may be denied under the following circumstances:
  - Access to information could compromise the privacy of another individual
  - The request for information is frivolousThe information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianship.
- Non-custodial parents are not to take the child from the Centre or visit the child at the Centre, unless the custodial parent has given prior consent. Official court decisions are to be adhered to at all times and the custodial parent must inform the centre of any changes or amendments.
- The Educators are obligated by law to report any suspected evidence of child abuse, whether indicated by child/ren, parents themselves or revealed by staff. The Director is responsible for notifying Community Services or the police. The Ombudsman will be notified if the allegation involves a staff member. It is important that such matters are handled in a sensitive and professional manner.

## AUTHORITIES AND ACCOUNTABILITIES

The Centre Director is responsible for ensuring all ICC staff have training in this policy. All ICC staff are accountable for the implementation of this policy.

## **OTHER RELEVANT DOCUMENTATION**

Privacy Act 1998  
Behaviour Guidance Policy and Procedure  
Education And Care National Law and Regulations – ACECQA  
ECA  
Children and Young persons care and education Act 1998  
Australian Privacy Principles  
CELA Sample policies