



POLICY STATEMENT Children Services Unit

PRIVACY AND CONFIDENTIALITY

POLICY ADOPTED: 17 June 2014

Policy Objective:

- To ensure that staff, educators, volunteers and work experience students of Bland Shire Children Services Unit are aware of all matters concerning privacy and confidentiality.
- To protect the confidentiality of the children and their families in care by preventing the misuse of personal information.

Policy Statement:

Our education and care service recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. The primary purpose for collecting information is to enable the Service to provide quality outcomes for child under legislation. All information pertaining to the Service and its stakeholders is maintained in a private and confidential manner in accordance with the Privacy Act 1988. Safe and secure storage for all information will be maintained.

Statutory Legislation and Considerations:

Children (Education and Care Services National Law Application) Act 2010.
Education and Care Services National Regulations 2011

Definitions:

In this policy 'staff' refers to staff employed by Bland Shire Children Services Unit and Educators registered with the Bland/Temora Family Day Care.

Responsibilities:

The Approved Provider will:

- ensure all information collected will be held by Bland Shire Council and will only be used for the purpose for which it was collected;
- ensure electronic information pertaining to Service stakeholders have comprehensive protection systems in place;
- provide parents/guardians access to personal information collected about their family. However, there may be occasion where access is denied under the following conditions:
 - Access to the information could compromise the privacy of another individual.
 - The request for information is frivolous or vexatious.
 - The information relates to legal issues, or there are legal reasons not to divulge the information such as cases of custody and legal guardianship.
- obtain parent/guardian permission before disclosing any personal and sensitive information not required to be disclosed by legislation;
- ensure that such information is not divulged to another person other than outlined legislative requirements including –
 - to the regulatory authority or an authorised officer;
 - as authorised, permitted or required to be given by or under any act or Law including Chapter 16A of the Care and Protection Act;
 - to the parent of the child to whom the information relates.

The Nominated Supervisor will:

- ensure each family is provided with a privacy collection statement upon enrolment, that includes details about how they can access their personal information. This is noted on the Service's Enrolment form;
- ensure the service maintains all service records required under the Education and Care National Regulation 2011;
- obtain relevant information to ensure that all documentation is current and accurately completed and recorded by the relevant Service stakeholders as per legislation requirements. This information is to only be utilised for child care management purposes;
- ensure families are informed upon enrolment how images/photographs of their children will be used in publications;
- provide families with relevant information on the Grievance Policy if their privacy or confidentiality has been breached.

Educators will:

- exercise confidentiality in keeping with the Early Childhood Australia Code of Ethics, Bland Shire Council's Code of Conduct, Children Services Unit Code of Conduct, Education and Care Services National Regulations and the Privacy Legislation to respect the privacy rights of children, families, educators and staff and any other persons associated with the service;
- ensure they do not discuss children in care with people other than the child's families;
- ensure they do not refer to a child by name when discussing an incident, which has occurred as part of the Service's business, with another family or member of the public;
- ensure that all information that is collected by individuals is only used for the purpose it was collected for;
- sign a confidentiality statement as it relates to privacy and confidentiality of information on commencement of employment.

Families will:

- provide relevant information and current documentation in the case of family separation, child custody and/or court orders pertaining to the safety and welfare of their child whilst in care;
- be aware it is not appropriate for them to discuss other children and families in care, or in the case of separated families that of the ex partner.

Maintaining Information

- All parties involved, including families, staff and educator; have the right to ask to have personal records amended if they are shown to be incorrect, out of date, misleading, incomplete or irrelevant.

References:

Australian Children's Education and Care Quality Authority (2020) Guide to the National Quality Framework.

Education and Care Services National Law 2010

Education and Care Services National Regulations 2011

Early Childhood Australia – www.earlychildhoodaustralia.org.au

Department of the officer of the privacy commissioner – www.privacy.gov.au

Information Privacy Principals www.privacy.gov.au/publications/ipps.html

Appendices:

Nil

Authorisation:

Status	Committee	N/A		
	Manex	N/A		
Owner	Director Corporate and Community Services			
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Superseded Policy				
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2009	0		2012	
11 December 2012	1	15122012	May 2014	
17 June 2014	2	12062014	May 2016	
9 October 2018	3		September 2020	
11 May 2021	4		May 2023	

Related Council Policy / Procedure