

Confidentiality and Privacy

Legislation:

Privacy Act 1988: www.privacy.gov.au/act/index.html

Education and Care Services National Law (WA) Act 2012; 172; 175; 197; 200; 206; 215; 216; 263; 264; 265

Education and Care Services National Regulation Act 2012; 168 (2) (l); 181; 183; 184; Part 6.2, Division 1 – 195 – 203

National Quality Standard Elements 7.3.1

POLICY STATEMENT:

Unicare Early Childhood Education protects the privacy, dignity and confidentiality of individuals by ensuring that all records and information about individual children, families, educators/staff and management is treated with discretion and kept in a secure place and only accessed by or disclosed to those people who need the information to fulfil their responsibilities at the centre or have a legal right to know.

Strategies for implementation:

- Personal information will only be collected in so far as it relates to the service's activities and functions, and in line with relevant legislation.
- Collection of personal information will be lawful, fair, reasonable and unobtrusive.
- Individuals who provide personal information will be advised of: the name and contact details of the service; the fact that they are able to gain access to their information; why the information is collected; the organisations to which the information may be disclosed; any law that requires the particular information to be collected; and the main consequences for not providing the required information.
- Families will be notified of the time for which particular records are required to be retained under the Education and Care Services National Regulations.
- The use or disclosure of personal information will only be for its original collected purpose, unless the individual consents or unless it is needed to prevent a health threat, or is required or authorised under law.
- The service will take steps to ensure the personal information collected, used or disclosed, is accurate, complete and up to date. Families will be required to update their enrolment details annually, or whenever they experience a change in circumstances. Computer records will be updated as soon as new information is provided.

- Personal information will be kept in a secure and confidential way, and destroyed by shredding or incineration when no longer needed.
- Individuals will be provided with access to their personal information and may request that their information be up-dated or changed where it is not current or correct.
- Individuals wishing to access their personal information must make written application to the approved provider / nominated supervisor / director, who will arrange an appropriate time for this to occur. The approved provider / nominated supervisor / director will protect the security of the information by checking the identity of the applicant, and ensuring someone is with them while they access the information to ensure the information is not changed or removed without the approved provider / nominated supervisor / director knowledge.
- The approved provider / nominated supervisor / director will deal with privacy complaints promptly and in a consistent manner, following the services Grievance Procedures. Where the aggrieved person is dissatisfied after going through the grievance process, they may appeal in writing to the Privacy Commissioner within the office of the Australian Commission.
- Visual images of enrolled children will not be taken, recorded, removed from the Service, or used for any purpose without the written consent of the parent/guardian, except where visual images are used within the service for monitoring of an enrolled child, or visual images are taken by an authorised officer acting in the course of his/her duties, in which case only the parent and authorised staff will have access to the images. Parental consent will be given or denied on the child's enrolment form.
- Confidential conversation that educators have with family members, or the approved provider / nominated supervisor / director has with educators / staff members shall be conducted away from other children, families and staff. Such conversations shall be minuted and stored in a confidential file.

Employee / Educator and Service Management

- Personal forms and employee information will be stored securely.
- Applicants, students or volunteers will be informed that their personal information is being kept, for what reason, for how long, and how it will be destroyed at the end of the time period.
- Applicants will be asked for their consent before their references are checked. Unsuccessful applicants will be advised of when and how their personal information will be destroyed.
- Information about staff members will only be accessed by the approved provider / nominated supervisor / directors and individual staff member concerned.

- All matters discussed at committee meetings will be treated as confidential.
- Every employee and the Management Committee is provided with clear written guidelines detailing:
 - what information is to be kept confidential and why
 - what confidential information they may have access to in order to fulfil their responsibilities and how this information may be accessed.
 - who has a legal right to know what information.
 - where and how the confidential information should be stored.
- Every employee and the approved provider / nominated supervisor / management committee member is required to sign a Confidentiality Statement.
- No member of staff may give information or evidence on matters relating to children and/or their families, either directly or indirectly, to anyone other than the responsible parent/guardian, unless prior written approval by the responsible parent/guardian is obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law. Notwithstanding these requirements, confidential information may be exchanged in the normal course of work with other staff members at the Service and may be given to the approved provider / nominated supervisor / directors, when this is reasonably needed for the proper operation of the Service and the wellbeing of users and educators / staff.
- Educators are aware of the need for sensitivity and confidentiality in handling information regarding child protection issues.
- Reports, notes and observations about children must be accurate and free from biased comments and negative labelling of children.
- Staff will protect the privacy and confidentiality of other staff members by not relating personal information about another staff member to anyone either within or outside the service.
- Students / people on work experience / volunteers will not make staff, children or families at the Service, an object for discussion outside of the Service, nor will they at any time use family names in recorded or tutorial information.
- Students / people on work experience / volunteers will only use information gained from the Service upon receiving written approval from the Service to use and/or divulge such information, and will never use or divulge the names of persons.
- It is not permitted to use photographs or other information which may identify children and families on social media websites such as Facebook, unless families have provided specific permission for this to occur. This strategy applies to all persons that may have access to children at the service including educators, other staff members, management committee members, students, work experience participants and volunteers.
- The confidentiality Statement includes a statement about the use of information and photos on social media

Privacy Statement

Unicare Early Childhood Education of 24 Parkway, Nedlands Perth WA 6009

is required to collect personal and health information from or about families within the following forms:

- Service Enrolment Form
- Attendance Register
- Accident/Illness Reports
- Authorisations to Give Medication
- Medical Certificates
- Statement of Child Care Usage Forms
- Family Assistance Office Assessment Forms

This information is required to ensure the health and safety of your child whilst in our care, and to meet legislative requirements set down in:

Education and Care Services National Law (WA) Act 2012
Education and Care Services National Regulation 2012

The information you give is used by those Service staff who need to access the information to meet the above requirements, and may also be disclosed to an Authorised Officer under the Education and Care Services National Law and Regulations 2012 whose identity will be checked prior to releasing information.

All personal information is kept in a secure place to protect it from unauthorised access, modification or disclosure.

You are entitled to access personal and private information kept about you and your family on request, and may ask for inaccurate information to be up-dated or corrected.

Failure to provide the required information will result in non-acceptance of your child's enrolment.

You may contact the child care service on 93898111

Confidentiality Statement

- The approved provider, nominated supervisor, management committee, educators, staff, students and volunteers will respect the rights to privacy of: enrolled children and their families; colleagues, students, volunteers and committee members and their families, and agree to comply with the National Privacy Principles included in the Privacy Act.
- Information pertaining to children and their families, colleagues, students, volunteers and the management committee members and their families is not discussed with, or made available to, any person who has not been authorised by the individual family, or colleague, student, committee member, except in circumstances involving an authorised officer of the Licensing Unit or from other government departments covered by legislation.
- Information about individual children or their families is only discussed with persons within the Service as appropriate in the course of duties. All discussions relating to individual children and their families by educators, staff, students, volunteers and management committee members will be on a confidential professional basis.
- Information about a staff member and their family is not discussed with other staff at the Service, or with any person or persons within or outside the Service, without the staff member's consent.
- Information pertaining to the Services confidential business transactions is not discussed with any person or persons within or outside the Service, except where this is within the staff or management committee member's professional work at the Service.
- Photographs and information relating to children, families, educators, staff, students, volunteers and the management committee will not be shared on social media without consent.

I agree to abide by the above statement.

Name: _____ (*Please print*)

Signature: _____ Date: _____