

Confidentiality

POLICY STATEMENT:

The Nanyima Centre Inc. will make every effort to protect the privacy and confidentiality of all individuals associated with the service by ensuring that all records and information about individual children, families, educators, staff and management are kept in a safe and secure place and is not divulged or communicated, directly or indirectly, to another person other than:

- To the extent necessary for the education and care of the child
- To the extent necessary for medical treatment of the child
- Family of the child to whom the information relates
- The Regulatory Authority or an authorised officer as expressly authorised, permitted or required under the Education and Care Services National Law and Regulations
- With the written consent of the person who provided the information. (r181)

PROCEDURES

A. Collection of personal information

Before collecting personal information, the service will inform individuals of the following:

- The purpose for collecting the information;
- What types of information will be disclosed to the public or other organisations;
- When disclosure will happen;
- Why disclosure needs to occur;
- How information is stored;
- The strategies 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 information needs to be retained; and
- How information will be disposed of.
- All information regarding the children and their families attending the service is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating the service.
- All information regarding any child/family enrolled in the service will only be accessible to authorised persons. The Approved Provider and the Nominated Supervisor will determine who is authorised to access records.

B. Retention and Storage of Records

- The Service will ensure that documents set out in the Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2).
- The service will develop a practice in relation to the retention and disposal of records.
- In the event that approval of the service is transferred, the requirements of Regulation 184 will be followed.

C. Disclosure of Information

- Personal information regarding the children and their families is not to be discussed with anyone outside the service, except in circumstances outlined in Regulation 181.
- Families may seek access to the personal information collected about them and their child by contacting the Nominated Supervisor at the service. Children may also seek access to personal information about themselves. However access may be denied where access would impact on the privacy of others; where access may result in a breach of the service's duty of care to the child; or where the child has provided information in confidence.
- Lists of children's or families names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.
- No personal information regarding a staff member is to be given to anyone without his/her written permission.
- Within NSW, Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (Care Act) provides the legislative basis for sharing information that relates to the safety, welfare or wellbeing of a child or young person. Chapter 16A allows for the flow of information between certain government agencies and non-government organisations to facilitate collaboration in the provision of services. The provision of information under Chapter 16A takes precedence over the protection of confidentiality or of an individual's privacy because the safety, welfare and wellbeing of children and young people is paramount

D. Personal Conversations

- Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in an area that affords them privacy. (r111)
- Personal conversations with educators and staff about matters relating to their performance will take place in an area that affords them privacy.

E. Maintenance of Information

- The Nominated Supervisor is responsible for maintaining all service records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, for example, Work, Health and Safety, Australian Taxation Office, Family Assistance Office, Department of Education, Employment and Workplace Relations (DEEWR) and for ensuring that information is updated regularly.
- The service takes all reasonable precautions to ensure personal information that is collected, used and disclosed is accurate, complete and up-to-date.
- Individuals will be required to advise the service of any changes that may affect the initial information provided.

CONSIDERATIONS:

Education and Care Services National Law & Regulations	National Quality Standards & Elements	Links to other Service Policies	Other

<p>S175</p> <p>R111,145 – 152, 158-162, 168, 177, 181, 183, 184</p>	<p>Standards 4.2, 5.1, 7.1</p> <p>Elements 7.1.2, 7.1.3</p>	<ul style="list-style-type: none"> • Governance and Management, • Medical Conditions and Administration of Medication, • Acceptance and Refusal of Authorisations, • Communication with Families, • Delivery and Collection of Children, • Enrolment and Orientation, • Management of Complaints policies • Child Protection 	<ul style="list-style-type: none"> • My Time, Our Place. • Network <i>OSHC Code of Conduct</i>. • Work, Health and Safety Act (2011). • Privacy Act (1988). • Child Care Service Handbook (DEEWR). • Child Care Subsidy legislation. • Enrolment Form. • Parent Handbook. • Staff Handbook. • Personnel files. • Care and protection act (1988)
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