



Policy No: CE-POL-028/2.3/2014

Privacy and Confidentiality Policy

Custodian: Management
Committee

Custodian Contact:
dl.5363.administration@schools.sa.edu.au

Version No: 2.3

Approved By:
Amelia Thiele
Chairperson

**On behalf of the Management
Committee.**

Approval Date: 23/2/24

Next Review Date: 13/2/27

Supersedes:
Privacy and Confidentiality Policy
Version 2.2

1 Purpose:

C.a.F.E. Enfield Children's Centre recognises and respects the importance of privacy and confidentiality as an individual right. This policy relates to the collection storage, use, disclosure and disposal of personal information, including photos, videos and health information, and ensures compliance with privacy legislation.

2 Scope:

Approved provider (at this site we have 2
Approved providers-DfE & the Management
Committee)
Nominated Supervisor
Educators & Staff
Students & Volunteers
Children

3 Supporting Documents:

[Grievance Policy for Staff](#)
[Child Health Policy](#)
[Child Protection Policy](#)

Child Enrolment record
Consent forms
DfE Destruction of Records Procedure
DfE Permanent Records Procedure
Staff handbook
Student handbook

4 Policy Details:

Legislation requires that families provide the Centre with personal information for the purposes of delivering education and care services for their child. Authorised educators/staff use this

information and may discuss a child's personal details with another education or health care professional in order to fulfil their responsibilities towards the child.

The Centre will ensure that information collected from families, educators and other professionals is maintained in a private and confidential manner at all times and is only

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shared in accordance with the Australian Privacy Principles. All records will be securely stored, archived and disposed of in accordance with the States Record Act (1997)

5 Procedures:

All records will be kept in a locked area. Computerised records are stored safely and secured with a password for limited access.

Confidentiality will be maintained in relation to information & records concerning:

- Staff and their families
- Children enrolled at the Centre
- Families of children enrolled at the Centre
- Records kept at the Preschool concerning staff, children and their family.
- Students undertaking practicum, and volunteers

Children's Information

Information about a child 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
- 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

The Right to access your 'personal' information

Individuals will be able to access their **personal** information as requested. Individuals must request this information in writing from the Nominated Supervisor (contact details are at the top of this policy document), who will arrange an appropriate time for this to occur.

Information may be denied under the following conditions:

- Access to information could compromise the health ,safety or wellbeing of another individual
- Access to 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 in cases of custody and legal guardianship.

The Release of Information Requested by a Parent

Any time a parent requests to see anyone else's personal information listed on their child's enrolment form (Eg authority to collect, additional parent not residing at the same address), written consent must be obtained from, the person in question (ie not the person requesting the information) before that information (and only that information) is handed over. This is in accordance with Education and Care Services National Regulations 177 (4A) and (4B)

A person giving consent can withdraw their consent (in writing), at any time before the information is given to the requesting person. This is in accordance with Regulation 177 (4C).

Please read section 6 of this policy for more information.

Visual images of children

Visual images of children will not be taken, recorded, removed from the Centre or used for any purpose without the written consent of the child's parent/guardian, except where images are used within the Centre for documenting and monitoring the progress of children.

Students on vocational placement

- Students will need written consent from the parents to use any information gained from the Centre about a child.
- Photographs used to support student learning must be taken on Centre devices only. Photographs will be checked by an educator before being printed at the Centre to ensure that children in the photographs are not identifiable.

Social media

Staff and Management Committee members are not permitted to discuss the service, its staff, children or families on social media sites. Failure to adhere to this policy would be seen as unprofessional behaviour and would be subject to the relevant grievance procedure process.

6 Related Regulations and Legislation

- Privacy Act (1988)
- Australian Privacy Principles
- State Records Act 1997
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Education and Care Services National Law Act 2010
- Freedom of Information Act 1982
- Education and Care Services National Regulations 2020

Reg 168(2)(l) Services must have policies and procedures in relation to Governance and management of the service, including confidentiality of records

Reg 177 Prescribed enrolment and other documents to be kept by approved provider

Reg 177 (4A) Before disclosing to a parent of a child enrolled at the service any personal information relating to a person specified in subregulation (4B) that is contained in a document referred to in subregulation (1), the approved provider must obtain the written consent of the person to whom the personal information relates to the disclosure of that personal information.

Reg 177 (4B) The following persons are specified—

- (a) a parent of a child enrolled at the service, if that person is not the parent making the request under subregulation (3)(a);
- (b) a person who is required to be notified of an emergency involving a child enrolled at the service if a parent of the child cannot be immediately contacted;
- (c) an authorised nominee of a child enrolled at the service;
- (d) a person who is authorised to consent to medical treatment of, or to authorise administration of medication to, a child enrolled at the service;
- (e) a person who is authorised to authorise an educator to take a child enrolled at the service outside the service premises;

- (f) a person who is authorised to authorise the service to transport a child enrolled at the service or arrange transportation of a child enrolled at the service.

Reg 177 (4C) A person who has given their written consent under sub-regulation (4A) may withdraw their consent in writing at any time before the personal information is disclosed

Reg 181 Confidentiality of records kept by approved provider
Reg 183 Storage of records and other documents

7 Definitions of Terms:

DfE- Department for Education

‘Personal’ Information (as defined in Australian Privacy Principles)- ‘Personal information’ is defined in s 6(1) as ‘information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not, and
- whether the information or opinion is recorded in a material form or not’.

Examples include “contact details”, “date of birth”, “medical history”, “employment history”, “educational qualifications” etc.

8 References:

ACECQA Information Sheet, July 2023, *Protection of Personal Information*,

Education and Care Services National Regulations 2020

Office of the Australian Information Commissioner Australian Privacy Principles Guidelines– accessed on-line 12/10/22 at: url: <http://www.oaic.gov.au>

Community Child Care Co-operative Ltd (NSW) accessed on line 19/6/17 at url: – <http://www.cccnsw.org.au>

9 Reviewing Strategy and History:

Review should be conducted every 3 years to ensure compliance with this procedure

Version No.	Reviewed By	Approved By	Approval Date	Revision Description
1	Management Committee Educators Families	Maud Giles - Chairperson	26/11/14	New policy format
2	Management Committee Educators Families	Scott Dolman Chairperson	22/6/17	Added social media section Added visual images section Added Section 6 Added section about students Added access to information Updated references
2.1	Management Committee Educators Families	Alison Cooksley Acting	21/10/20	Minor content & format changes Added definition “Personal information” Updated references and review

		Chairperson		history Review period changed to 3 years
2.2	Management Committee Educators Families	Alison Curtis Chairperson	16/11/22	Minor content changes Updated references and review history Review period changed to 3 years
2.3	Educators Management Committee	Amelie Thiele Chairperson	23/2/24	Inserted section "The Release of Information Requested by a Parent" to reflect the introduction of Regulation 177 4A, 4B & 4C Updated Regulation section, revision history