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## **PRIVACY AND CONFIDENTIALITY POLICY**

### **Introduction**

Collaroy Plateau Community Kindergarten Inc. (CPCK) recognises and respects the importance of privacy and confidentiality as an individual right and a basis for building partnerships. CPCK requires personal information from families to provide appropriate and responsive care. This policy has been developed to comply with the Australian Privacy Principles (APPs) (2014) and pursues the highest standard in the protection and preservation of privacy and confidentiality.

While the approved provider and staff of Collaroy Plateau Community Kindergarten aims to maintain the confidentiality of information regarding children, their families and members of staff, under the Information Exchange Laws as detailed in Chapter 16A of the Children and Young Persons Care and Protection Act 1998, information will be shared and exchanged with prescribed bodies where necessary with the intent to build a clear picture of any recurrent issues or concerns involving the children in CPCK's care. Prescribed bodies may include the police, schools, state government agencies, health organisations, hospital and organisations responsible for children. This is part of the Child Protection Legislation which includes 'Keep them Safe' protocols.

Early childhood education and care services require personal information from families to provide appropriate and responsive care. This information needs to be maintained and managed by the education and care service in a private and confidential manner.

### **Goals – What are we going to do?**

Collaroy Plateau Community Kindergarten will:

- maintain private and confidential files for teachers, educators, staff, children and their families.
- develop systems for the appropriate use, storage and disposal of records.
- ensure the information in these files is used only for the education and care of the child enrolled at CPCK and only shared with relevant or authorised people as defined within authorisations of the Education and Care Services National Regulations and Information Exchange Laws.
- maintain private and confidential files for educators, children and their families. These records will be securely stored and maintained. CPCK will maintain records according to the National Privacy Principles and keep these records in line with required period of time.

### **Strategies – How will it be done?**

CPCK aims to meet these goals through the adoption of this specific Privacy and Confidentiality Policy and our Privacy Collection Statement which will guide our practices in this area.

For accessing or correcting any personal information we hold about clients or if they have feedback or concerns about privacy, persons can contact the Kindergarten as set out later in this policy.

### Collection of Information

The Approved Provider will:

- Ensure that information collected from families, educators and the community is maintained in a private and confidential manner at all times in relation to the [13 harmonised privacy principles](#) that regulate the handling of personal information by Australian and Norfolk Island Government agencies and some private sector organisations. These principles are called the Australian Privacy Principles (APPs). They came into effect on the 12<sup>th</sup> March, 2014.
- Ensure that such information 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 (except for information in staff records),
  - 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.
- Ensure that each family, staff, volunteer, student and committee member is provided with a privacy collection statement upon commencement at CPCK which includes details about how they can access their personal information, have this corrected as needed or make a complaint about a breach of privacy, if one occurs. This can also be accessed on our website at [www.cpck.com.au](http://www.cpck.com.au)
- Ensure staff members, committee members, volunteers and student information is correct in personnel and other files. This includes information on qualifications, WWCC, criminal history checks, staff entitlements, contact and emergency information, health and immunisation information and any relevant medical and legal information. This would include any other relevant information collected by CPCK.
- Ensure that information collected from families, educators, committee members and the community is maintained in a private and confidential manner at all times.
- Ensure families are informed upon enrolment how images/ photographs of their children will be used on the Internet and/or publications.
- Provide families with information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. Individuals can make a complaint to the Approved Provider if they believe there has been a breach of their privacy in relation to the Privacy principles. The breach will be assessed by the Approved Provider within 14 days.

Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between the Approved Provider and the individual to resolve the situation, in line with the Complaints and Feedback procedure.

- Ensure information provided by families, staff and committee members is only used for the purpose it was collected for.

The Nominated Supervisor will:

- Ensure each family's information is provided on enrolment records. This includes information on immunisation status, income and financial details where relevant, contact details of family and emergency contact information, children's developmental records, Family Assistance information and any medical or legal information – such as family court documentation - required by CPCK. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law and any other relevant information collected to support the enrolment of a child.
- Maintain up-to-date enrolment records, including information from families on any immunisation updates, contact details of family members, emergency contact information and any medical or legal information required by CPCK.
- Ensure that CPCK's records, personnel records and children's information is stored according to policy and remains private and confidential within the CPCK environment at all times.
- Provide families with details on the collection of personal information collected by CPCK:
  - 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 service;
  - Who has access to the information;
  - The right of the individual to view their personal information;
  - Will ensure information provided by families and staff is only used for the purpose it was collected for.
  - The length of time information needs to be archived; and
  - How information is disposed.

### **Storage of Information**

Ensure that CPCK records, personnel records, child and family information is stored securely reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the CPCK environment at all times.

## Access to Information

Will ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than:

- Medical and developmental information that is required to adequately provide education and care for the child;
- The Department of Education or an Authorised officer or as permitted or required by any Act or Law

Individuals will be allowed access to their personal information as requested. Individuals must request this information in writing from the Nominated Supervisor. Authorised persons may request to view any information kept on their child.

Information may be denied under the following conditions:

Access to information that 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 the case of custody and legal guardianship.

**“Collaroy Plateau Community Kindergarten requires personal information from families to provide appropriate and responsive care.”**

Teachers, Educators and Staff will:

- Maintain children’s information and store documentation according to policy at all times.
- Not share information about CPCK, management information, other teachers and educators or children and families without written permission or legislative authority.
- Abide by the Early Childhood Australia (ECA) Code of Ethics (2016), the Education and Care Services National Regulations and Privacy Legislation. This will ensure teachers and staff employed at CPCK are bound to respect the privacy rights of children enrolled and their families; teachers, educators and staff and their families and any other persons associated with the service. Teachers and Educators will sign a Confidentiality Statement as it relates to privacy and confidentiality of information.
- Maintain children’s information and store documentation according to policy at all times.
- Not share information about Collaroy Plateau Community Kindergarten, management information, other educators, children or families, without written permission or legislative authority.

## Evaluation

All information pertaining to Collaroy Plateau Community Kindergarten, educators and families is maintained in a private and confidential manner in accordance with the Commonwealth Privacy Act 1988, the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Privacy regulation 2013 made under the privacy act and the Education and Care Services National Regulations.

### **Contact**

Queries regarding privacy should be directed to the Collaroy Plateau Community Kindergarten Inc.

Management Committee:

Email: [info@cpck.com.au](mailto:info@cpck.com.au)

Phone: 0299826167

Post: 41-43 Hall Avenue Collaroy Plateau NSW 2097

### **Statutory Legislation & Considerations**

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Privacy regulation 2013 made under the privacy act

<http://www.oaic.gov.au/privacy/privacy-act/privacy-law-reform>

Children and Young Persons (Care and Protection) Act 1998

ECA - Code of Ethics [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

Education and Care Services National Law 2010

Education and Care Services National Regulations

Guide to the National Quality Standard (3) ACECQA (2011)

### **Links to other policies/documents**

Child Protection

Staff Code of Conduct

Enrolment

Medication and Paracetamol

Medication Administration

Confidentiality

Record Keeping

Privacy online

### **Links to Education and Care Services National Regulations: 177-184**

### **Links to National Quality Standards/Elements: 7.3.1, 7.3.5**

### **Sources**

Office of the Australian Information Commissioner – [www.privacy.gov.au](http://www.privacy.gov.au)

Australian Legal Information Institute -[www.austlii.edu.au](http://www.austlii.edu.au)

Early Childhood Australia - [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

Office of the Australian Information Commissioner

*Last Updated: September 2020*

*Next Review Date: September 2023*

## Appendix A

### COLLARROY PLATEAU COMMUNITY KINDERGARTEN ASSOCIATION INC

41-43 Hall Ave

COLLARROY PLATEAU NSW 2097

ABN: 64 679 495 807

Phone: (02) 9982 6167

Email: [info@cpck.com.au](mailto:info@cpck.com.au)

TO: All Members Appointed to the Management Committee

#### CONFIDENTIALITY AGREEMENT

1. It is absolutely essential to treat any financial or personal details discussed by the Management Committee members in respect to the Collaroy Plateau Community Kindergarten or any named family as strictly confidential. As a Committee Member you may in the course of the meetings become aware of such matters. The information gained is strictly confidential and is not to be discussed openly within the Collaroy Plateau Community Kindergarten or elsewhere.
2. Authorised Management Committee members may discuss only matters relevant to their own function and responsibility with other authorised members of the committee in the course of official business. Any information, which may come into your possession by virtue of your position, is not to be divulged to any unauthorised person and you are to be particularly careful that you do not, even innocently, raise matters relating to personal details in general conversation.
3. Compliance with Collaroy Plateau Community Kindergartens Privacy and Confidentiality Policy.
4. Collaroy Plateau Community Kindergarten takes a very serious view of a member of the committee's failure to observe this Agreement as it may breach the Privacy Act and the Privacy and Confidentiality Agreement. This may constitute grounds for disciplinary action or dismissal from the committee.

I acknowledge that I have read and understand the Privacy and Confidentiality.

By signing below I, \_\_\_\_\_ accept the terms and conditions of the  
Privacy and Confidentiality Agreement.

NAME: \_\_\_\_\_

POSITION ON COMMITTEE: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

- All members of the Management Committee are required to sign a Confidentiality Agreement before their position is confirmed.
- Executive members will be required to undergo a criminal history check.
- All Committee members will be required to undergo a Working with Children check as volunteers

## Appendix B

### COLLARROY PLATEAU COMMUNITY KINDERGARTEN ASSOCIATION INC

41-43 Hall Ave

COLLARROY PLATEAU NSW 2097

ABN: 64 679 495 807

Phone: (02) 9982 6167

Email: [info@cpck.com.au](mailto:info@cpck.com.au)

#### TO: STAFF

#### CONFIDENTIALITY AGREEMENT

1. It is absolutely essential to treat any financial or personal details discussed by the Management Committee members in respect to the Collaroy Plateau Community Kindergarten or any named family as strictly confidential. As a staff member you may in the course of the position become aware of such matters. The information gained is strictly confidential and is not to be discussed openly within the Collaroy Plateau Community Kindergarten or elsewhere.
2. Authorised staff members may discuss only matters relevant to their own function and responsibility with other authorised staff in the course of official business. Any information, which may come into your possession by virtue of your position, is not to be divulged to any unauthorised person and you are to be particularly careful that you do not, even innocently, raise matters relating to personal details in general conversation.
3. Compliance with Collaroy Plateau Community Kindergartens Privacy and Confidentiality Policy.
4. The Collaroy Plateau Community Kindergarten takes a very serious view of a member of staff's failure to observe this agreement as it may breach the Privacy Act and the Privacy and Confidentiality Agreement. This may constitute grounds for disciplinary action or dismissal from the staff team.
5. Acceptance of the Privacy and Confidentiality Agreement.

Signed on behalf of Collaroy Plateau Community Kindergarten Inc.

Chairperson: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I acknowledge that I have read and understand the Privacy and Confidentiality Agreement.

By signing below, I confirm that I accept the terms of the Privacy and Confidentiality Agreement:

Employee: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix C

### COLLARROY PLATEAU COMMUNITY KINDERGARTEN ASSOCIATION INC

41-43 Hall Ave

COLLARROY PLATEAU NSW 2097

ABN: 64 679 495 807

Phone: (02) 9982 6167

Email: [info@cpck.com.au](mailto:info@cpck.com.au)

### **TO: VOLUNTEERS/CONTRACTORS CONFIDENTIALITY AGREEMENT**

1. It is absolutely essential to treat any financial or personal details discussed or observed in respect to the Collaroy Plateau Community Kindergarten or any named family as strictly confidential. As a volunteer/contractor you may in the course of the position become aware of such matters. The information gained is strictly confidential and is not to be discussed openly within the Collaroy Plateau Community Kindergarten or elsewhere.

2. Authorised staff members may discuss only matters relevant to their own function and responsibility with other authorised staff in the course of official business. Any information, which may come into your possession by virtue of your position, is not to be divulged to any unauthorised person and you are to be particularly careful that you do not, even innocently, raise matters relating to personal details in general conversation.

3. Compliance with Collaroy Plateau Community Kindergartens Privacy and Confidentiality Policy.

4. The Collaroy Plateau Community Kindergarten takes a very serious view of a volunteer/contractor's failure to observe this agreement as it may breach the Privacy Act and the Confidentiality Agreement. This may constitute grounds for disciplinary action.

5. Acceptance of the Privacy and Confidentiality Agreement.

Signed on behalf of Collaroy Plateau Community Kindergarten Inc.

Chairperson: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I acknowledge that I have read and understand the Privacy and Confidentiality Agreement Policy.

By signing below, I confirm that I accept the terms of the Confidentiality Agreement:

Employee: \_\_\_\_\_ Signature: \_\_\_\_\_

Witness name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_