



Title	Confidentiality and Privacy Policy & Procedure
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Approved By	General Manager
Owner	General Manager
Version	3
Purpose or Reason	Health Records Act 2001 and Privacy Act 2001
Source or Reference Material	<ul style="list-style-type: none"> <li>• Education and Care Services National Regulations 2011</li> <li>• Information Privacy Act 2000</li> <li>• Health Records Act 2001</li> </ul>

## VERSION CONTROL

Version No.	Date	Comment	Author
1	09/2003	Creation due to new regulations	Manager
2	10/2014	Merged Privacy, Confidentiality and Record Keeping policies into the one policy.	General Manager
3	11/2014	Reviewed and reformatted by ACS CoM for consistency	ACS CoM

## **Policy**

### **Scope**

The Policy and Procedure applies to all Alpine Children's Services (ACS) staff, ACS Committee of Management, Family Day Care Educators, parents/guardians, children, volunteers, students and contractors involved with the service.

### **Policy Statement**

ACS is committed to protecting the privacy of all individuals with whom it interacts. The service is required by law to protect personal and confidential information collected and held about our staff and clients. This policy outlines the service's personal information handling practices, including health and sensitive information, as required by applicable legislation. This policy also outlines the service's record keeping procedures

### **Objectives/Principles**

ACS is bound by the following legislation:

- Health Records Act 2001 whenever the service deals with health information
- Information Privacy Act 2000 when contracted to the Department of Education and Training DET or state government to provide services, and only bound to follow the Act in relation to those contracted services e.g. funded kindergarten services.

## **Procedure**

The service will only collect information which it needs. Collection must be for a legitimate purpose relating to one of its functions or obligations.

The service will collect the following:

- Information about children and parents/guardians before and during the child's attendance at a service (this information is collected in order to provide and/or administer our services to children and parents/guardians). The service will generally collect personal information about an individual by way of forms filled out by parents/guardians, face-to-face interviews and telephone calls.
- Contact details of other parties with which the service deals.
- Customer Reference Number (CRN) for children attending childcare services in order for the parents/guardians to access Child Care Benefit (CCB) and if applicable Child Care Rebate (CCR). Failure to provide this would result in the parent/guardian not obtaining CCB and CCR. Personal information provided by individuals either in relation to themselves or their children using the service.

## **Collection Statement**

When collecting personal information the service will provide individuals, from whom the service collects information, with a copy of our Collection Statement (Appendix 1). If the reason for collecting the information varies from the Collection Statement, the Collection Statement will be amended to cover the area required.

## **Notification of individuals or the parents/guardians of personal or health information collected.**

*What happens when the service receives personal information from a source other than the individual or parent/guardian?*

The person receiving the information will notify the individual or parent/guardian of the child to whom the information relates, of the receipt of this information and as part of the notification, will advise that they have a right to request access to the information.

Access will be granted in accordance with the relevant legislation. Please note that the legislation allows ACS to deny access, in accordance with the limited reasons for denial that are contained in the legislation.

## **Use of Personal Information**

The service will use the personal information the service collects for the primary purpose of that collection. The primary purpose of the collection of personal information collected in relation to children and parent/guardians is to enable the service to provide for the education and care of the child attending the service. Examples include:

- a) provision of a place for their child in the service
- b) meeting the children's educational, care and safety needs
- c) for correspondence with parents/guardians relating to their child's attendance

The service may also use the information for such secondary purposes that are related to the primary purpose of collection and can be reasonably expected, or to which the individual concerned has consented. Examples include:

- a) Special Child Care Benefit applications

b) referrals to Child FIRST

### **Disclosure of Personal Information, Including Health Information**

The service may disclose some personal information held about an individual to:

- government departments or agencies as part of their legal and funding obligations
- local Government in relation to enrolment details for planning purposes
- Maternal and Child Health services to meet the children's education, care and safety needs
- organisations providing services related to staff entitlements and employment
- insurance providers in relation to specific claims
- law enforcement agencies
- health organisations and/or family in circumstances where the person requires urgent medical assistance and is incapable of giving permission

The service will not disclose information to persons not involved in the normal care or provision of the children's centre. Information will only be disclosed or discussed on a "need to know" basis.

The service will only disclose information in accordance with this policy. The service will be diligent and maintain confidentiality when using records or discussing matters with other children's centre staff, families, or any other applicable persons.

### **Treatment of Sensitive Information**

Sensitive information will be used and disclosed only for:

- the purpose for which it was collected
- a directly related secondary purpose unless the individual agrees otherwise
- the use or disclosure of the sensitive information is allowed or serviced by law

### **Management and Security of Information**

In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, ACS will ensure that in relation to personal information:

- a) Access will be limited to staff who require this information in order to do their jobs.
- b) The physical storage of documents will be in a secure cabinet or area and will not be left in areas that allow for unauthorised access.
- c) Computerised records containing personal or health information will require password access.
- d) There is security in transmission:
  - emails will only be sent to a person authorised to receive this material
  - faxes will only be sent to a secure fax, which does not allow unauthorised access
  - telephone. Only limited personal information will be provided over the telephone to persons authorised to receive that information
  - transfer of information interstate and overseas will only occur with the permission of the person concerned or their parent/guardian

## Data Quality

The service will endeavour to ensure that the personal information the service holds is accurate, complete, up to date and relevant to our functions or activities.

## Access to Information and Updating Personal Information

Under the privacy legislation, an individual has the right to:

- ask for access to personal information that the service holds about them without providing a reason
- to access this information; and to make corrections if they consider the data is not accurate, complete or up to date

There are some exceptions set out in the legislation where access may be denied in part or in total. Some examples of exceptions are where:

- the request is frivolous or vexatious
- providing access would have an unreasonable impact on the privacy of other individuals
- providing access would pose a serious threat to the life or health of any person
- the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that

## Process for Considering Access Requests

A person may seek access, to view or update their personal/health information:

- if it relates to their child, by contacting the service's Team Leader
- for all other requests, by contacting the General Manager of ACS

Personal information may be accessed in the following way:

- view and inspect information
- take notes
- obtain a copy

The process for considering requests is:

1. Requests for access or to update personal information should nominate the type of access required, and specifying where possible, what information they seek. No reason is required in relation to why the request is made.
2. If ACS cannot verify the identity of the person seeking information they must provide a visible form of identification.
3. The employee or General Manager of ACS receiving the request will record the request and the date received.
4. Each request will be acknowledged within 14 days, but preferably within 2 working days.
5. Requests will be complied with within 30 days. However there could be a delay in responding if the timeline occurs over a period when the service is closed.
6. If the requested information is not given, the reasons for denied access will be given in writing to the person requesting the information.

7. In accordance with the legislation the service reserve the right to charge for information provided, in order to cover the costs involved in providing the information.

### **Anonymity**

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with our service.

### **Disposal of Information**

The service will not store personal information longer than necessary. In disposing of personal information the service will ensure that it is either shredded or destroyed in such a way that no one can access the information.

### **Key Responsibilities and Authorities**

The ACS Committee of Management is responsible for ensuring the implementation of this policy. The ACS Committee of Management and ACS employees are responsible for the collection, use, disclosure, access, storage and disposal of information in line with this policy.

### **Acknowledgement**

All ACS employees & members of the ACS Committee of Management are to sign and return the declaration of Appendix 2 to the General Manager of ACS upon completion of reading this policy and prior to commencement of their appointment.

### **Record Keeping**

- Hard copies are held for some records and stored on site for a 12 month period prior to scanning and archiving electronically.
- All other records are scanned and archived electronically as required prior to being destroyed by secure shredding.
- Electronic files are either stored on a server (with a cloud based backup system) or on a cloud based storage system.
- Electronic files are accessed on a computer with password entry.
- Disclosure of any records is strictly in accordance with this policy.

Appendix One outlines the type of records maintained by the service, who is responsible for this record, the timeframe of this record and the reference to the National Regulations.

**Appendix One: Records and Documents required to be kept at the service (National Regulations 183)**

Type of Record	Responsibility	Timeframe	Reference
Record of responsible person in day-to-day in day-to-day charge including Certified Supervisors placed in day-to-day charge.	Approved Provider	Until the end of 3 years after the staff member works for the service	Section 162 Regulations 150, 177
Evidence of current public liability insurance. Note: Does not apply if the insurance is provided by a state or territory government	Approved Provider FDC Educator	Available for inspection at the service premises or family day care office	Regulation 29,30,180
Quality improvement plan	Approved Provider	Current plan is to be kept	Regulation 31,55
Child assessments	Approved Provider FDC Educator	Until the end of 3 years after the child's last attendance	Regulation 74,183
Incident, injury, trauma and illness record	Approved Provider FDC Educator	Until the child is 25 years old	Regulation 87,183
Medication record	Approved Provider FDC Educator	Until the end of 3 years after the child's last attendance	Regulation 92,183
Child attendance	Approved Provider FDC Educator	Until the end of 3 years after the child's last attendance	Regulation 158,159,18
Child enrolment	Approved Provider FDC Educator	Until the end of 3 years after the child's last attendance	Regulation 160,183
Death of a child while being educated and cared for by the service	Approved Provider	Until the end of 7 years after the death	Regulation 12,183
Record's of services compliance history	Approved Provider	Until the end of 3 years after the child's last attendance	Regulation 167
Staff record	Approved Provider	Until the end of 3 years after the staff member works for the service	Regulation 145
Record of access to early childhood teachers	Approved Provider	Until the end of 3 years after the staff member works for the service	Regulation 152
Record of educators working directly with children	Approved Provider	Until the end of 3 years after the staff member works for the service	Regulation 151
Record of volunteers and students	Approved Provider	Until the end of 3 years after the volunteer or student attended the service	Regulation 149
Assessment of FDC residences and approved family day care venues	Approved Provider	Until the end of 3 years after the record was made	Regulation 116

Type of Record	Responsibility	Timeframe	Reference
Record of FDC staff (including educators, co-coordinators and assistants)	Approved Provider	Until the end of 3 years after the staff member works for the service	Regulation 154
Record of visitors to FDC residence or approved FDC venue	FDC educator	Until the end of 3 years after the record was made	Regulation 165

## Appendix Two: Alpine Children’s Services (ACS) Confidentiality and Privacy Policy & Procedure Collection Statement

### Purpose for which information is collected

The service believes your privacy is important. The service has put in place a Confidentiality and Privacy Policy & Procedure, which outlines how the service will collect, use, disclose, manage and transfer personal information including health information. This policy is available on request.

Our service is, in some of its activities, bound by privacy legislation. If the service needs to collect health information the service is subject to the Health Records Act (Vic). ACS is covered by the Information Privacy Act (Vic) to gather information on behalf of the Government.

The primary purpose of the collection of personal information collected in relation to children and parent/guardians is to enable the service to provide for the education and care of the child attending the service.

You should be aware that under relevant privacy legislation, other uses and disclosures of personal information are permitted, as set out in that legislation.

### Disclosure of personal information, including health information

The service may disclose some personal information, including health information, held about an individual to:

- a) Government departments or agencies as part of our legal and funding obligations;
- b) Organisations providing services related to employee entitlements and employment;
- c) Anyone to whom the individual authorises us to disclose information.

### Access to Information

Individuals on whom the service holds personal or health information are able to gain access to this information in accordance with applicable legislation. The procedure for doing this is set out in our Confidentiality and Privacy Policy & Procedure (available on request).

### Declaration

I \_\_\_\_\_ have read the ACS Collection Statement and understand that the information that I have provided will be used for the purposes outlined.

Signed \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_