

CONFIDENTIALITY POLICY

Policy Statement

In the course of employment, each employee will have access to confidential information relating to the business undertaken at Little Adventures Early Learning (LAEL). Employees are required to maintain confidentiality of all confidential information of LAEL in accordance with the obligations set out in their contracts of employment. These obligations continue to apply after your employment comes to an end.

The Service maintains the privacy and confidentiality of all records and information about individual children, families, parents, staff/educators, students and volunteers. The Service collects, stores, discloses, and disposes of all personal information according to the National Privacy Principles contained in the Privacy Act 1988 (Commonwealth) and all other relevant legislation.

Scope

Safeguarding confidential information is the responsibility of ALL staff. Employees are not to discuss any family, staff or management information with any third parties without written permission. Your employment with LAEL requires you to sign and abide by the Confidentiality Agreement.

Responsibility

Employees of **LAEL** have different responsibilities in regard to confidentiality.

Approved Providers

- Ensure that each family, staff, volunteers and student and committee member is provided with a Privacy Collection Statement upon enrolment, that includes details about how they can access their personal information, have this corrected as needed, make a complaint about a breach of privacy, if one occurs.
- Ensure each staff member, committee members, volunteers and student information is correct in personnel and other files. This includes information on qualifications, working with children checks or equivalent, 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 the service.
- Ensure that information collected from families, educators, committee members and the community is maintained in a private and confidential manner at all times.
- 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 R181, 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 families are informed upon enrolment how images/photographs of their children will be used on the Internet and/or publications and gain written approval.
- Provide families with information on the Complaints Handling policy if any privacy or confidentially 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 Australian 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 Handling policy.

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

Nominated Supervisor

Provide families with details on the collection of personal information collected via the Privacy Collection Statement.

- Ensure each families' information is correct in enrolment records. This includes information on immunisation updates, income and financial details (credit card or bank information), 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 our education and care service. This would include any information required to be recorded under the Education and Care National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child. This information will include:
 - The types of information collected by our education and care service;
 - 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;
 - Approaches 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 archived; and
 - How information is disposed.
- Will ensure information provided by families and staff is only used for the purpose it was collected for.

Educators

In keeping with the Early Childhood Australia (ECA) Code of Ethics (2016), the Education and Care Services National Regulations and the Australian Privacy Principles, educators and staff employed by our education and care service bound to respect the privacy rights of children enrolled and their families; educators, staff and their families, and any other persons associated with the service. Educators will sign a Confidentiality Agreement 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 the education and care service, management information, other educators or children and families, without written permission or legislative authority.

Notifiable Data Breaches (NDB)

The Notifiable Data Breaches (NDB) scheme requires all businesses regulated by the Privacy Act (including education and care services) to provide notice to the Office of the Australian Information Commissioner and affected individuals of any data breaches (ie. data leaks) that are "likely" to result in "serious harm."

- An eligible data breach arises when the following three criteria are satisfied:
 - There is unauthorised access to or unauthorised disclosure of personal information, or loss of personal information, that an entity holds
 - This is likely to result in serious harm to one or more individuals, and
 - The entity has not been able to prevent the likely risk of serious harm with remedial action.
- Should there be a NDB at our service, the Approved Provider will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected.

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- A failure to notify that is found to constitute a serious interference with privacy under the Privacy Act may result in a fine of up to \$360,000 for individuals or \$1.8 million for organisations.
- Individuals at likely risk of serious harm will be notified promptly.

Storage of Information

Staff are to ensure that education and care service records, personnel records, CCS information and children's and families information is stored securely reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the education and care environment at all times.

Access to Information

The Children Legislation Amendment Act 2009 increased the information sharing provisions of the Children and Young Persons (Care & Protection) Act 1998. These provisions authorise agencies and non-government organisations i.e. LAEL to exchange/share information that relates to a child or young person's safety, welfare or well-being. LAEL must comply with a request for information (provided it relates to the safety, welfare or well-being of a child or young person) if they believe that the provision of information may assist the recipient agency and vice versa.

This legislation overrides other laws that prohibit or restrict the disclosure of personal information i.e. Privacy and Information Act 1998. Should information need to be exchanged our service will seek and gain consent from the parent/carer that information about them/their child may be provided, or is being provided to other 'prescribed bodies'.

- 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 could compromise the privacy of another individual;
 - The request for information is frivolous or vexatious; and
 - 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.
- Circumstances in which our service would not seek to inform the parent/carer about exchanging information would include:
 - If it was likely to further jeopardise a child or young person's safety, welfare or wellbeing
 - If it would place LAEL employees at risk of harm
 - If LAEL were unable to contact a parent and the matter was urgent.

Social Media

Accessing and using social media during work hours (except for breaks) is not permitted. Those using social media outside of work hours are to be respectful of the Service as well as its employees, families and competitors. Posting photographs or making comments about children, families, staff or management on Social Media sites is not permitted.

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Any direct messages from families or other members of the public to staff through social media, regarding the services operations or their child/ren, must be redirected to the Service.

Breach of this Code of Conduct

Breach of this code may result in disciplinary action, which may include termination of employment or engagement either with notice or summarily.

You may also be personally liable for conduct engaged in contrary to this code, in addition to making LAEL liable.

Evaluation and Review

All information pertaining to the education and care service, educators and families is maintained in a private and confidential manner in accordance with the Privacy Act 1988 and the Education and Care Services National Regulations.

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 12 months.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

This policy links to the Governance and Management policy.