

# CONFIDENTIALITY OF RECORDS POLICY



## Policy Statement

Little Adventures Early Learning (LAEL) is committed to maintaining private and confidential files for educators, volunteers, students, children and their families. The Service has systems in place to ensure information is collected, stored, disclosed, and disposed of in accordance with the National Privacy Principles as outlined in the Privacy Act 1988 and other relevant legislation.

## Strategies and practices

- The *Confidentiality of Records Policy* is available to families upon enrolment and staff upon induction.
- The **Approved Provider** is responsible for ensuring:
  - All information collected from employees, students and volunteers is true and correct and stored in personnel files. Information includes, but is not limited to, qualifications, Working With Children Checks, contact and emergency information, health and immunisation information and any other relevant medical or legal data collected by the Service.
  - All information collected is maintained in a secure and confidential manner.
  - Confidential information is not divulged or communicated in any manner to another person aside from those deemed appropriate in the Education and Care Services National Regulations i.e.;
    - To the extent necessary for the education, care or medical treatment of the child;
    - To the parent/carer of the child to whom the information relates (except for information in employee 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 Grievance and Complaints procedures if any privacy or confidentiality procedures have 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 has been found to have occurred, appropriate actions will be negotiated between the Approved Provider and the individual to resolve the matter.
  - Information provided from families, employees, students and volunteers is only used for the purpose it was collected for.
- The **Nominated Supervisor** is responsible for ensuring:
  - Each families' information is correct on their enrolment records. This includes, but is not limited to, information relating to immunisation updates, financial details, contact and emergency contact details, child developmental records, Family Assistance information and any medical or legal information required to be collected by the Service.
  - Information provided from families, employees, students and volunteers is only used for the purpose it was collected for.
  - All information collected is maintained in a secure and confidential manner.

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- **Educators** are responsible for ensuring they:
  - Always maintain children's information and store documentation according to LAEL policies and procedures.
  - Do not share information about the Service, management information, other educators or children and families without written permission or legislative authority.
  - Respect the privacy rights of children and their families enrolled in the Service, educators and their families and any other person associated with the Service as conveyed in the Early Childhood Australia (ECA) Code of Ethics, the Education and Care Services National Regulations and Privacy Legislation.
  - Maintain confidentiality of all confidential information in accordance with the obligations set out in their employment contracts. These obligations continue to apply after employment is terminated.
- LAEL records, personnel records, and children's and families' information is stored securely to prevent unauthorised access, use or disclosure.
- All records are stored in locked filing cabinets and is only accessible by those designated as Responsible Persons.
- All computers and technology used by the Service are password protected.
- LAEL will ensure that:
  - All information kept, is not divulged or communicated with 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 Legislative Act or Law.
  - Individuals will be allowed to access their personal information as requested. This request must be made to the Nominated Supervisor or Responsible Person. Authorised Persons may request to view any information kept on their child.
  - Information may be denied in situations where:
    - 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.

## References

- *Education and Care Services National Law*
- *Education and Care Services National Regulations*
- *Guide to the National Quality Framework*
- Community Early Learning Australia – Sample Policies
- Australian Child Care Alliance NSW - <https://nsw.childcarealliance.org.au/members/policies-required-under-regulation-168>
- *Children and Young Persons (Care and Protection) Act 1998*
- *Australian Privacy Principles* - <https://www.oaic.gov.au/privacy/australian-privacy-principles/>
- *Early Childhood Australia Code of Ethics*
- Dr Brenda Abbey (*Childcare by Design*)

## 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.

## Policy review

The Service encourages staff and parents to be actively involved in the review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities, where necessary, as part of the review to ensure the policy contents are consistent with current research and contemporary views on best practice.