

Background

Effective partnerships with all stakeholders are central to the provision of high-quality education and care for children. These partnerships are based on trust and are demonstrated by open and honest communication that is respectful of, and sensitive to, cultural or other differences.

The communication needed in high quality education and care can only be achieved when stakeholders are convinced that the privacy and confidentiality of the information they provide is upheld.

Policy statement

This policy outlines the Services practices in maintaining the privacy and confidentiality of all records and information about individual children, families, parents, staff/educators, students and volunteers in the Service.

Strategies and practices

- The Service collects, stores, discloses, and disposes of all personal information according to the National Privacy Principles which are contained in Schedule 1 of the *Privacy Act 1988 (Commonwealth)* and all other relevant legislations.
- The Service only collects personal information that is necessary to deliver high quality education and care to the children enrolled in the Service, for related activities, and to meet its regulatory responsibilities.
- Anyone requested to provide personal information to the Service is informed of the following: -
 - The information required
 - Why the information is required
 - The legislation that requires the information to be collected
 - How the information will be used
 - Who will access the information
 - Under what conditions the information would be disclosed to a third party
 - The main consequences, if any, of not providing all or part of the information requested
- Personal information about an individual is gathered directly from that person unless the Service has obtained the person's prior consent e.g. reference checks. If the information pertains to a child e.g. inclusion support agency, speech therapist, prior written permission is obtained from the parent. Sunkids Children's Services will only collect personal information after providing a Privacy – Information Management Statement to the individual, or the parents/guardians of the individual, about the information being collected.
- No information can be provided about a child to a non-custodial parent or to a solicitor without a subpoena.
- Collection of personal information will be lawful, fair and not unreasonably obtrusive.
- Personal information is kept in a safe and secure place, retained for the period set out in Regulation 183 of the Education and Care National Regulations, and destroyed when no longer

needed. Paper files are stored in locked cabinets and electronic data on computers protected by passwords.

- The Service provides all staff/educators, students, and volunteers with verbal and written information about privacy and confidentiality laws, and about their responsibilities in handling personal information.
- Staff/educators, students and volunteers are informed of this *Privacy and Confidentiality Policy* and are given the opportunity to clarify their understanding of the policy before commencing at the Service. They are required to sign a Confidentiality Agreement to strictly adhere to the policy.
- Confidential information is exchanged between educators when required in the normal course of work at the Service to meet the education and care needs of children. However, educators are not otherwise permitted to divulge any information about a child to anyone other than the parent, nor about the child's family to anyone, without the prior written approval of the parent. The exception to this is a demand under an Act or law.
- Educators will maintain the privacy and confidentiality of other educators by not relaying personal information about them to anyone either within or away from the Service.
- Students/volunteers are not permitted to remove any Service documents or to use information gained at the Service without the Nominated Supervisor's written consent. They are not permitted to discuss children attending the Service, the families or the educators away from the Service e.g. TAFE, training organisations, or to use their names in any assignments.
- The Service ensures the personal information collected, used, or disclosed, is accurate, complete, and up to date. Enrolment details are updated annually or whenever a change in circumstance occurs. Similarly, staff details are updated as changes occur.
- Individuals can apply in writing to access the personal information they have provided to ensure its accuracy, completeness, and currency. The Nominated Supervisor will arrange a suitable time for this access and will remain with the individual for the duration. Access to information beyond that provided by the individual is subject to *Freedom of Information* processes.
- Should the Service become aware of reasonable grounds to believe an eligible data breach likely to place individuals at risk of serious harm has occurred, the Approved Provider/Nominated Supervisor will immediately notify the individuals at risk and recommend steps they should take in response to the breach. The Approved Provider will also notify the *Office of the Australian Information Commissioner* via its online *Notifiable Data Breach Statement Form*.
- Educators are to ensure they document information about children's learning and development accurately, inclusively, sensitively, and respectfully.
- The Service provides a quiet area for confidential conversations e.g. between parents and educators, the Nominated Supervisor and educators.
- The name and contact details of the Approved Provider are displayed in the entrance of the Service and are contained in the Parent Handbook.
- The Nominated Supervisor/Approved Provider adheres to the Services Grievance and Complaint Policy when responding to complaints about privacy and confidentiality matters. Should any issue

remain unresolved, the Nominated Supervisor/Approved Provider advises the complainant of their right to lodge an appeal with the *Office of the Australian Information Commissioner, GPO Box 5218 Sydney 1042 or GPO Box 2999 Canberra ACT 2601*, or to telephone the *Office of the Australian Information Commissioner on 1300 363 992*.

Additional safe practices for babies

- N/A

Responsibilities of parents

- To immediately raise any concerns about the Services management of privacy and confidentiality with the Nominated Supervisor/Approved Provider.

Procedures and forms

- Confidentiality Agreement
- Grievance and Complaint Staff Procedure

Links to other policies

- Educational Program Policy
- Enrolment and Orientation Policy
- Interactions with Families Policy
- Grievance and Complaint Policy
- Educator Professionalism and Ethics Policy

Links Education and Care Services National Regulations 2011, National Quality Standard 2011

Regs	177	Prescribed enrolment and other documents to be kept by approved provider
	181	Confidentiality of records kept by approved provider
	183	Storage of records and other documents
	184	Storage of records after service approval transferred

QA	1.3.1	Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analyzing learning, documentation, planning, implementation and reflection
	3.1.1	Outdoor and indoor spaces, buildings, fixtures and fittings are suitable for their purpose, including supporting the access of every child
	4.2.2	Professional standards guide practice, interactions, and relationships
	5.1.2	The dignity and rights of every child are maintained
	6.1.1	Families are supported from enrolment to be involved in the service and contribute to service decisions
	7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service

Sources

- Education and Care Services National Regulations 2011
- Freedom of Information Act 1982 (Commonwealth)
- Guide to the National Quality Standard 2018
- Privacy Act 1988 (Commonwealth)

Further reading and useful websites

- Australian Childcare Alliance. *Changes to Australia's privacy law – What ECEC services need to know.* <https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know> accessed 25 June 2025
- Office of the Australian Information Commissioner. *How do I make a privacy complaint?* <https://www.oaic.gov.au/updates/videos/how-do-i-make-a-privacy-complaint/> accessed 25 June 2025
- Office of the Australian Information Commissioner. *Your privacy rights.* <https://www.oaic.gov.au/privacy/your-privacy-rights/> accessed 25 June 2025
- Office of the Australian Information Commissioner. *About the Notifiable Data Breaches scheme.* <https://www.oaic.gov.au/privacy/notifiable-data-breaches/about-the-notifiable-data-breaches-scheme/> accessed 25 June 2025
- Office of the Australian Information Commissioner. *Notifiable Data Breach Form.* <https://forms.uat.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB> accessed 25 June 2025
- Office of the Australian Information Commissioner – <http://www.oaic.gov.au/> accessed 25 June 2025
- UNICEF – <http://www.unicef.org/> accessed 25 June 2025

Policy review

The Service encourages staff and parents to be actively involved in the annual 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 as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Version	Date Reviewed	Approved By	Comments/Amendments	Next Review Date
1	8 January 2018	Kaylene Harper	Updated to changed NQF requirements 1 February 2018. Service to modify policies to its specific needs.	January 2019
2	31 January 2019	Kaylene Harper	Accessed sources and further reading/useful websites.	January 2020
3	31 January 2020	Kaylene Harper	Accessed sources and further reading/useful websites.	January 2021
4	25 September 2020	Kaylene Harper	Reviewed policy. Accessed sources and further reading/useful websites.	September 2021
5	9 September 2021	Kaylene Harper	Reviewed policy	September 2022
6	30 September 2022	Linda Hollard	Reviewed policy Accessed sources	September 2023
7	24 August 2023	Grace McKinstry	Reviewed policy. Accessed sources and further reading/useful websites.	August 2024
8	9 July 2024	Tiffany Boeske	Reviewed policy Accessed sources	July 2025
10	25 June 2025	Gen Mahaki	Annual review conducted and sources/links updated.	June 2026