



PRIVACY AND CONFIDENTIALITY AND RECORD KEEPING POLICY

Aim:

To ensure confidentiality about: staff and their families, children attending the Centre and families of children enrolled at the Centre by all people involved with the Centre.

To ensure the methods used to communicate details about the child's care and education between families and the Centre are sufficiently "safe" to protect the child now and into the future.

To ensure records are in order and kept for the appropriate length of time.

To ensure our Service practices are consistent with the Australian Privacy Principles.

Privacy Statement

Our service recognises that every individual has the right to ensure their personal information is accurate and secure, and only used or disclosed to achieve the outcomes for which it was initially collected. Personal information will be managed openly and transparently in a way that protects an individual's privacy and respects their rights under Australian privacy laws.

Explanation:

This policy applies to all educators and staff, Director/ Nominated Supervisor, Owner /Approved Provider, students, casual / temporary staff and volunteers and families.

It is important to ensure records are complete and in order and available to be referred to when needed.

Implementation:

Staff, students and volunteers will respect the rights of parents and children. Children and parents will not be discussed with other parents. Individual needs of children will be discussed with pertinent educators only. Confidential information about a child or their family will not be given to any person who does not work directly with that child. All staff, educators and volunteers will be required to sign confidentiality agreements.

The Approved provider will ensure systems used support the privacy of individuals associated with the service whether as an employee or customer.

Parents have a right to see their child's developmental records.

All staff members' privacy will be respected – no personal information will be given out without prior permission.

Collection of personal information - We collect personal information if it is necessary for us to carry out Service operations or to comply with our legal obligations. This includes information required to comply with the National Education and Care Law and Regulations and to promote learning under the Early Years Learning Framework. Information may also be collected to comply with other Laws including State or Territory Health Laws.



During the enrolment process the Nominated Supervisor or their representative will ensure that all families enrolled or enrolling in the service are provided with a copy of this policy, and advised that the policy remains available on the Centre's website, so they can understand what personal information we need to collect, why we need to collect it, whether the information is required or authorised by Law and how it may be shared.

Personal information includes name, address, date of birth, gender, family contact details, emergency contact details, authorised nominee details, parents' occupations, cultural background, home language, religious beliefs, payment details, child care benefit information, immunisation history statements, medical information, medical management plans, photos of children and family members and information about children's strengths, interests, preferences and needs, including special needs. Personal information also includes "government related identifiers" like Medicare numbers and CRN, CCB, CCR CCS references to enable efficient processing of accounts.

The family are advised to inform their children's emergency contacts and authorised nominees that we have some of their personal information on file and explain the advice in the Privacy Notice.

We usually collect personal information directly from a parent or guardian either in writing via our online application process or through the completion of forms at the Service or verbally. Information is collected during enrolment, when completing waiting list applications, or as we establish a partnership with families in caring for and educating a child. We may also collect information through our website, social media page, Family Law court orders or agreements, special needs agencies and training courses.

We may occasionally request information from other organisations which you would reasonably agree is necessary for us to educate and care for a child. We will not request information without obtaining the consent of the individual (or parent) concerned. In most cases, if we are unable to collect relevant personal information, we will be unable to enrol a child at the Service. The Nominated Supervisor or representative will advise individuals about any unsolicited personal information we receive from other organisations and keep because it is directly related to our functions and activities (unless we are advised not to by a Government authority). The Nominated Supervisor or representative will destroy any unsolicited personal information that is not directly related to our Service operations unless it adversely impacts the health, safety and wellbeing of a child or children at the service. If this happens the Approved Provider or Nominated Supervisor will contact the appropriate Government authorities and take action as directed while protecting the confidentiality of the individuals concerned.



Use or disclosure of personal information - We will not use personal information for any purpose that is not reasonably needed for the proper or effective operation of the service. Personal information may be accessed by and exchanged with staff educating and caring for a child or by administrative staff.

We do not disclose your personal information to others unless you would have reasonably expected us to do this or we have your consent. For example, personal information may be disclosed to:

- emergency service personnel so they can provide medical treatment in an emergency
- special needs educators or inclusion support agencies
- volunteers, trainees and work experience students (with consent)
- trainers or presenters if children participate in special learning activities
- another Service to which a child is transferring where you have consented to the transfer.
- the new operator of the Service if we sell our business and you have consented to the transfer of enrolment and other documents listed in Regulation 177 of the National Education and Care Regulations.

We may disclose personal information where we are permitted or obliged to do so by an Australian law. For example, personal information may be disclosed to:

- authorised officers when our service is assessed and rated under the National Education and Care Law and Regulations
- Government employees (eg for CCS CCB, CCS, Immunisation, Medicare purposes)
- software companies that provide child care management systems
- management companies we may engage to administer the Service
- software companies that provide tailored computer based educational tools for children
- lawyers in relation to a legal claim.
- officers carrying out an external dispute resolution process
- a debt collection company we use to recover outstanding fees
- authorities if we are taking action in relation to unlawful activity, serious misconduct, or to reduce or prevent a serious threat to life, health or safety.

We do not disclose personal information to any person or organisation overseas or for any direct marketing purposes.

Quality of personal information - The Approved Provider or Nominated Supervisor will take reasonable steps to ensure the personal information we collect, use and disclose is accurate, current and complete. Educators and staff will:

- view original sources of information if practical when information is collected.



- collect and record personal information in a consistent format, for example using templates for enrolment, incident, injury, trauma and illness and administration of medication.
- record the date personal information was collected or updated.
- update information in our physical and/or electronic records as soon as it's provided.

In addition the Nominated Supervisor will:

- regularly remind families via newsletters, emails or through notices in the Centre to update their personal information including emergency contact details and their child's health information.
- verify the information is accurate, current and complete before disclosing it to any external organisation or person.
- ensure documentation about children and families is based on facts and free from prejudice.

Security of personal information - The Approved Provider or Nominated Supervisor will take reasonable steps to protect personal information from misuse, interference and loss, unauthorised access, modification or disclosure. These steps include:

- taking responsibility for the security of personal information and regularly checking the practices implemented to protect it. This will include management of access privileges to ensure only people who genuinely need to see personal information can access it.
- ensuring information technology systems have appropriate security measures including password protection, anti-virus and 'malware' software, and data backup systems.
- ensuring physical files of personal information are secure in locked cupboards or locked filing cabinets in either Nominated Supervisor's Office or in Administration Area, when a Responsible Person is not present.
- ensuring all educators and staff are aware of their obligations in relation to the collection, use and disclosure of personal information, through activities like mentoring, staff meetings or on-line training courses.
- requiring all educators, staff, volunteers and work experience students to sign a 'Confidentiality Statement' acknowledging that personal information:

can only be accessed if it is necessary for them to complete their job cannot be disclosed to other organisations (including colleges, RTOs) or discussed with individuals outside the service including personal family members unless they have written consent from the person (or parent) concerned.

must be stored in compliance with service practices which safeguard its security.



- ensuring records which we don't need to keep, including unsuccessful job applications and records which fall outside the record keeping timeframes under the National Education and Care Law and Regulations (refer to our Record Keeping and Retention Section at the end of this document) are destroyed in a secure way as soon as possible by, for example, shredding, incinerating or permanently deleting electronic records including archived or back-up copies. The destruction of records containing personal information will be overseen by a member or a contract may be entered into with a reputable firm, for destruction of confidential information.
- 'de-identifying' personal information so that people (eg our accountant) who require the information may access it without being able to identify individuals. Totals of financial information are transferred from QIKKIDS to the financial accounting package which goes to the accountant, without names or personal identifiers.
- 'de-identifying' personal information which may come into the public domain. For example, removing identifying names or details from newsletters etc.
- ensuring staff comply with our Social Media Policy (for example by obtaining authorisation from a child's parents before posting any photos of their child on the Service social media page, and not posting personal information on any social media page which could identify children or families.)
- ensuring confidential conversations with parents or with staff are conducted in a quiet area away from other children, parents and staff.
- Ensuring the online communication system we use called Storypark continues its high standards of security for communications between the Centre and its families and their nominated contacts.

Access to personal information - Individuals may request access to their (or their child's) personal information and may request the correction of any errors. These requests may be made to the Nominated Supervisor who may be contacted by telephone on 0249408686, or email admin@therumpusroom.com.au or by mail The Rumpus Room 90 Darling Street Broadmeadow 2292 or 123 Chatham Street Broadmeadow 2292. Personal information will be provided as soon as possible, and no later than 30 days from a request. We will provide the information in the form requested, for example by email, phone, in person, hard copy or electronic record unless it is unreasonable or impractical to do this for example due to the volume or nature of the information. The Approved Provider or Nominated Supervisor will always verify a person's identity before providing access to the information, and ensure someone remains with the individual to ensure information is not changed or removed without our knowledge.



There is no charge for making a request to access the information. However, we may charge a reasonable cost for staff, postage and material expenses if the information is not readily available and retrieving the information takes a lot of time. We will advise you of the cost and get your agreement before we proceed.

There may be rare occasions when we are unable to provide access because we believe:

- giving access would be unlawful, the information relates to unlawful activity or serious misconduct, or it may prejudice the activities of a law enforcement body.
- there is a serious threat to life, health or safety.
- giving access would unreasonably affect the privacy of others.
- the request is frivolous or vexatious, for example to harass staff.
- the information relates to legal proceedings (eg unfair dismissal claim) between the Service and the individual.
- giving access would reveal sensitive information about a commercial decision.

We may, however, provide the information in an alternative way for example by:

- deleting any personal information which cannot be provided
- providing a summary of the information
- giving access to the information in an alternative format
- allowing the individual to inspect a hard copy of the information and letting them take notes.

We will advise you promptly if we are unable to provide access to the information, or access in the format requested. The advice will include the reasons for the refusal to provide the information (unless it is unreasonable to do this) and information about how to access our grievance procedure.

Correction of personal information - Individuals have a right to request the correction of any errors in their personal information. These requests may be made to the Nominated Supervisor who may be contacted by telephone on 0249408686, or email admin@therumpusroom.com.au or by mail The Rumpus Room 90 darling Street Broadmeadow 2292 or 123 Chatham Street Broadmeadow 2292. The Approved Provider or Nominated Supervisor will take reasonable steps to correct personal information that is inaccurate, out of date, incomplete, irrelevant or misleading as soon as it is available. The Approved Provider or Nominated Supervisor will:

- take reasonable steps to ensure information supplied by an individual is correct.
- verify the identity of an individual requesting the correction of personal information.
- notify other organisations about the correction if this is relevant, reasonable or practical.



- advise the individual about the correction to their information if they are not aware.
- if immediately unable to correct an individual's personal information, explain what additional information or explanation is required and/or why we cannot immediately act on the information provided.
- if unable to correct the information, include reasons for this (for example we believe it's current) and inform the individual about our grievance procedure and their right to include a statement with the information saying they believe it to be inaccurate, out-of-date, incomplete, irrelevant or misleading.
- correct the information, or include a statement if requested, as soon as possible.

We will not charge you for making a request to correct personal information or for including a statement with your personal information.

Complaints - If you believe we have breached Privacy Laws or our Privacy Policy may lodge a complaint. These requests may be made to the Nominated Supervisor who may be contacted by telephone on 0249408686, or email admin@therumpusroom.com.au or by mail The Rumpus Room 90 Darling Street Broadmeadow 2292 or 123 Chatham Street Broadmeadow 2292.

Or with the Approved Provider at richard@therumpusroom.com.au

The Approved Provider or Nominated Supervisor will follow the Service's grievance procedure to investigate the complaint. Individuals who are unhappy with the outcome of the investigation may raise their complaint with the Office Australian Information Commissioner www.oaic.gov.au GPO Box 5218 Sydney NSW 2001 or GPO Box 2999 Canberra ACT 2601, phone 1300 363 992 or email enquiries@oaic.gov.au

Storypark - Storypark is an accessible ePortfolio record of learning that travels with children from birth to school. It allows the recording and communicating of learning as it happens via photos, video, audio and observations within a secure online environment.

It allows educators to document and support children's learning, and it engages families in their children's development via our own private Storypark community where families can comment and post, creating a reciprocal learning community. Parents control their child's digital footprint and can decide who has access to their child's information. (Storypark does not own your data)

As families enrol they will be invited to Storypark. The family can then invite grandparents and other contacts to be able to also see their child's file.



Where families do not wish to join Storypark, an agreement based on the following statement needs to be signed so that The Rumpus Room can continue to document learning in an efficient way while respecting the family's choice about use of the tool Storypark.

Storypark Agreement between the Rumpus Room and an Individual Family

Some families have not agreed to join Storypark and on occasion their child may be in the background of photographs being used to report on the general program or a specific learning story. This agreement is to ensure The Rumpus Room can continue to document learning in an efficient way while ensuring a families' preference that their child's image is not recognisable on Storypark.

The Rumpus Room agrees to filter photos carefully for use in the Storypark program. This means that photos that show a child's face, or in which a child is easily identifiable will not be used.

If an educator is unsure whether a photo is acceptable to use in the Storypark program, they will contact the family for approval before posting it to Storypark. This will be by email, so that the parent can make a decision by looking at the actual image to be used.

This agreement overrides any agreement the family have with Storypark and the consent form used on the site.

Record Keeping and Retention times - Child Assessments are kept until the end of 3 years after the child's last attendance.

Child Attendance records are kept for three (3) years after the child's last attendance.

Child Enrolment records are kept until the end of 3 years after the child's last attendance.

Medication records are kept until the end of 3 years after the child's last attendance.

Incident, Injury, trauma and Illness reports are kept until the child is 25 years old.

Individual records are kept for three (3) years at the Centre.

Death of a child while being educated and cared for at a service need to be kept for 7 years from the child's death.

CCB and CCR records (absences, fee receipts) to be kept for 3 years from the end of the period it relates to.

Financial and Insurance records should be kept for 7 years

Current records must be complete and up to date at all times.

Insurance: The Approved Provider must take out appropriate insurances for the Centre and Certificate of Currencies need to be available at the Centre.

Related Policies. This policy must be read in conjunction with the Service's Social Media Policy.

This policy links to the following NQS:

National Quality Standards, 4.2.2, 5.1.2, 6.1.3, 7.1.2

See Appendix 1-National Law (section) and National Regulations (181-184)

Privacy Act 1988 (includes Australian Privacy Principles)

United Nations Convention of the Rights of a Child



All staff, educators, students and volunteers should read and sign following agreement which is then placed in their file or the files for Volunteers or student placement.

Confidentiality - I agree that all matters pertaining to the staff, families, management or general running of the centre – including matters discussed at any centre meetings whether formal or informal are confidential and shall not be divulged in any form (verbal, written etc) outside the centre or with non-centre personnel or organisations including RTOs.

I agree to respect the rights of all staff, students, parents and children. Individual needs of children will be discussed with pertinent staff only. Confidential information about a child or their family will not be given to any person who does not work directly with that child. Staff members' privacy will be respected – no personal information will be given out without prior permission.

I understand that I am not to gather personal information, take any photographs or video while in the Centre, unless specifically approved of by families for the documentation of my studies, on an appropriate permission form and I am not allowed to put any information on any social media platform that is sourced from or relates in any way to the Service. I will ensure that I safeguard the security of any information I gather while at the service and will ensure its complete deletion after it has served its purpose for assignments or such study purposes.

I declare that I have read both the Privacy and Confidentiality Policy and the Social Media Policy and I will comply with all requirements under those policies.

Student/Volunteer Name _____ Signature _____ Date: _____

Orientation Officer Name _____ Signature _____ Date: _____

