

PRIVACY AND CONFIDENTIALITY POLICY

The Service respects and protects the privacy of all children, families, educators, staff, volunteers, and visitors. We are committed to handling personal and sensitive information responsibly, lawfully, and with integrity, in accordance with the:

- Early Childhood Australia (ECA) Code of Ethics
- Education and Care Services National Law and Regulations
- Privacy Act 1988 (Cth)
- Australian Privacy Principles (APPs)

We recognise the importance of safeguarding personal information and maintaining confidentiality in all aspects of our operations. The Service is dedicated to creating a culture of trust and respect by ensuring that information is collected, used, stored, and disclosed appropriately. All educators, staff members, volunteers, and contractors are expected to uphold privacy and confidentiality obligations while supporting the delivery of safe, inclusive, and high-quality education and care for children and their families.

NATIONAL QUALITY STANDARD (NQS)		
QA7 GOVERNANCE AND LEADERSHIP		
Standard 7.1	Governance	Governance supports the operation of a quality service that is child safe.
Element 7.1.1	Service philosophy and purpose	A statement of philosophy guides all aspects of the service's operations.
Element 7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.
Element 7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.
Standard 7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

RELATED NATIONAL LAW AND REGULATIONS	
Part 6A	Devices in Education and Care Services
Regulation	Education and care service must have policies and procedures

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Regulation 170	Policies and procedures to be followed
Regulation 171	Policies and procedures to be kept available
Regulation 172	Notification of change to policies or procedures affecting ability of family to utilise service
Regulation 177	Prescribed enrolment and other documents to be kept by approved provider
Regulation 181	Confidentiality of records kept by approved provider
Regulation 181 - 184	Confidentiality and storage of records
Regulation 183	Storage of records and other documents
Regulation 184	Storage of records after service approval transferred
Section 2A	Paramount consideration — safety, rights and best interests of children
Section 167	Offence relating to protection of children from harm and hazard

RELATED POLICIES

Enrolment, Participation and Orientation Policy	168 Policies
Governance Policy	168 Policies
Payment of Fees Policy	168 Policies
Grievance, Concerns and Complaints Policy - Families	168 Policies
Medical Conditions Policy	168 Policies
Behaviour Guidance Policy	LDC - Policies
Grievance, Concerns and Complaints Policy - Educators	168 Policies
Confidentiality Agreement	LDC - Forms/Templates
Code of Conduct Policy	ELM - Policies
Code of Conduct for Families, Carers and Visitors	LDC - Policies

Purpose

All staff, including students and volunteers, management, children and their families, have the right to the protection of personal information. Laws relating to the protection of privacy and confidentiality must be strictly adhered to.

All personal and professional information regarding all staff, including students and volunteers, management, children and their families, must be kept in approved cloud-based applications that are password-protected or in a secure filing cabinet when not in use. This information will be disclosed only to parties who require the information to fulfil their responsibilities at the service, or those with a legal right to obtain such information from us.

Where a data breach has occurred, the service will ensure that this is reported and managed under the notifiable data breach scheme legislative requirements.

The reasons for collecting this information must be lawful and fair based on the Privacy Act:

- All staff, including students and volunteers, management, children and their families, must be informed of what personal information is collected and why,
- Personal information disclosed must be relevant and not intrusive,
- Staff and parents/guardians can be allowed to change this information if thought necessary.

Scope

This policy applies to all staff, including students and volunteers, management, children and their families.

Paramount Consideration for the Safety, Rights and Best Interests

In accordance with the Education and Care Services National Law, the safety, rights and best interests of children are the paramount consideration in all decisions, practices and procedures relating to privacy and confidentiality. The Service is committed to protecting children's privacy, dignity and wellbeing by ensuring personal and sensitive information is collected, used, stored and disclosed securely and in accordance with legislative requirements.

Implementation

Under national law, section 263, early childhood services must comply with Australian privacy law, which includes the Privacy Act 1988 (the act) aimed at protecting the privacy of individuals. Schedule 1 of the *Privacy Act* (1988) includes 13 Australian privacy principles (apps), which all services must apply. The apps set out the standards, rights and legal obligations in relation to collecting, handling, holding and accessing personal information. The notifiable data breaches (ndb) scheme requires early childhood

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services, family day care services, and out-of-school hours care services to notify the office of the Australian Information Commissioner (formerly known as the privacy commissioner) and affected individuals of any data breaches that are 'likely' to result in 'serious harm'. Businesses that suspect an eligible data breach may have occurred must undertake an assessment to determine if the data breach is likely to cause serious harm to any individual affected. A breach of an Australian privacy principle is viewed as an 'interference with the privacy of an individual' and can lead to regulatory action and penalties.

The approved provider / nominated supervisor/ responsible person will:

- Ensure the service acts under the requirements of the Australian Privacy Principles and Privacy Act 1988, by developing, reviewing, and implementing procedures and practices that identify:
 - The name and contact details of the service.
 - What information the service collects and the source of information.
 - Why is the information collected?
 - Who will have access to the information?
 - Collection, storage, use, disclosure, and disposal of personal information collected by the service.
 - Any law that requires the information to be collected.
 - Adequate and appropriate storage for personal information collected by the service.
 - Protection of personal information from unauthorised access.
- Provide staff and educators with relevant information regarding changes to Australian privacy law and service policy.
- Ensure all relevant staff understand the requirements under Australia's privacy law and notifiable data breaches (ndb) scheme.
- Maintain currency with the Australian privacy principles (this may include delegating a staff member to oversee all privacy-related activities to ensure compliance).
- Ensure personal information is protected under our obligations under the Privacy Act 1988 and Privacy Amendments (enhancing privacy protection) Act 2012.
- Ensure all records and documents are maintained and stored under education and care service national regulations.
- Regularly back up personal and sensitive data from computers to protect personal information collected.
- Ensure all computers are password protected, and install security software-antivirus protection.

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- Ensure families are notified of the time frames for which records must be retained as per education and care services national regulations - regulation 183 (2).
- Ensure all employees, students, volunteers, and families are provided with a copy of this policy.
- Deal with privacy complaints promptly and consistently, following the service's grievance policy and procedures.
- Ensure families only have access to the files and records of their children.
- Ensure that the information given to Educators is treated with respect and professionally and confidentially.
- Ensure individual child and staff files are stored in a locked and secure location.
- Ensure that information relating to staff employment remains confidential and available only to the people directly involved in making personnel decisions.
- Ensure the family's information is confidential unless told otherwise.
- Ensure students and volunteers will not have access to any child's records without prior written consent from parents/guardians.

In relation to *children's Images and videos of children*, the Nominated Supervisor and Approved Provider will ensure the following

- Obtain written parent or authorised nominee consent before taking or using images or videos of children.
- Use only Service-approved devices to capture, store, and manage images and videos.
- Prohibit the use of personal devices by educators, staff, volunteers, students, and contractors when working directly with children.
- Store images and videos securely and manage access, retention, and destruction in accordance with Service procedures.
- Protect children's images from unauthorised access, sharing, or misuse.
- Ensure all images and videos are used only for approved purposes and in line with parental consent.

In relation to *CCTV*, the Nominated Supervisor and the Approved Provider will ensure the following -

- Maintain clear CCTV policies and procedures that support child safety, privacy, and regulatory compliance.
- Inform families, staff, volunteers, contractors, and visitors about the operation of CCTV systems, including camera locations, monitoring practices, storage arrangements, and access controls.

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- Ensure CCTV recordings are securely stored and accessed only by authorised persons for approved purposes.
- Manage the collection, use, retention, and disposal of CCTV footage in accordance with privacy legislation and Service procedures.

Educators and staff will:

- Read and adhere to this policy at all times.
- Ensure documented information and photographs of children are kept secure, but may be accessed at any time by the child's parents or guardian.
- Ensure families only have access to the files and records of their children.
- Treat private and confidential information with respect in a professional manner.
- Not discuss individual children with people other than the family of that child, except for curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- Ensure the family's confidential information is treated as confidential unless told otherwise.
- Always maintain individual and service information and store documentation according to this policy.
- Not share information about the individual or service, management information, or other staff as per legislative authority.
- Be provided with clear information regarding any legal authority that comes to our service to collect personal information relating to them, including what information was divulged and why.

Families will:

- Follow this policy and the Family Conduct Guidelines
- Ensure enrolment, contact and medical information remains accurate and up to date.
- Access only information relating to their own child
- Provide current parenting orders, court orders or other relevant legal documentation and advise the Service of any changes.
- Respect the privacy and confidentiality of other children, families, educators, staff and visitors.
- Not share service photographs or information
- Not take photographs, videos or audio recordings within the Service or of children while attending the Service

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- Raise any concerns regarding privacy or confidentiality through the Service's complaints and feedback procedures

Safe Use of Digital Technologies

The Service ensures that:

- Images and videos are taken only on Service-issued devices
- Files are password protected and securely stored
- Access is restricted to authorised personnel
- Files are not transferred to personal devices
- Information is de-identified or destroyed in accordance with record retention requirements
- Parents provide written consent for the collection and use of digital documentation
- Images and videos are removed if consent is withdrawn

Australian privacy principles - personal information

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or opinions about a range of personal information that has a higher level of privacy protection than other personal information.

Personal information will be collected and held securely and confidentially about you and your child to help our service provide quality education and care to your child, whilst promoting and maintaining a child-safe environment for all stakeholders.

Personal information our service may request regarding enrolled children:

- Child's name
- Gender
- Date of birth
- Birth certificate
- Religion
- Language spoken at home
- Emergency contact details and persons authorised to collect individual children
- Children's health requirements
- Immunisation records- (immunisation history statement)
- Developmental records and summaries

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- External agency information
- Custodial arrangements or parenting orders
- Incident reports
- Medication reports
- Child Care subsidy information
- Medical records
- Permission forms - including permission to take and publish photographs, video, work samples
- Doctor's contact information
- Centrelink customer reference number CRN
- Dietary requirements

Personal information the service may request regarding parents/guardians

Parents/guardians must be provided with information detailing:

- What information can be divulged and why?
- Who has the legal right to access this information?
- Where and how is this information stored at the service?
- Full name
- Address
- Phone number (mobile & work)
- Email address
- Bank account or credit card details for payments
- Centrelink customer reference number CRN
- Custody arrangements or parental agreement

Personal information the service may request regarding staff and volunteers:

Educators must be provided with information detailing:

- What information can be divulged and why?
- Who has the legal right to access this information?
- Where and how is this information stored at the service?
- Personal details
- Tax information
- Banking details

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- Working contract
- Emergency contact details
- Medical details
- Immunisation details
- Working with children to check verification
- Educational qualifications
- Medical history
- Resume
- Superannuation details
- Child protection qualifications
- First aid, asthma and anaphylaxis certificates
- Professional development certificates

Method of collection

Information is generally collected using standard forms at the time of enrolment or employment. Additional information may be provided to the service through email, surveys, telephone calls or other written communication.

How we protect your personal information

To protect your personal and sensitive information, we maintain physical, technical and administrative safeguards.

- All hard copies of information are stored in children's individual files in a locked cupboard.
- All computers used to store personal information are password-protected.
- Access to personal and sensitive information is restricted to key personnel only.
- Security software is installed on all computers
- Data is regularly backed up on an external drive and/or through a cloud storage solution.
- Any notifiable breach to data is reported
- All staff are aware of the importance of confidentiality and maintaining the privacy and security of your information.

Access to personal and sensitive information

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Personal and sensitive information about you and your child will be stored securely. The nominated supervisor will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

- The extent necessary for the education and care or medical treatment of the child to whom the information relates
- A parent of the child to whom the information relates, except in the case of information kept in a staff record
- The regulatory authority or an authorised officer
- As expressly authorised, permitted, or required to be given by or under any act or law
- With the written consent of the person who provided the information.

Eligible data breach

The notifiable data breaches (ndb) scheme requires regulated entities to notify individuals and the Australian Information Commissioner about eligible data breaches. An eligible data breach arises when:

- There is unauthorised access to/or unauthorised disclosure of personal information and;
- Where a data breach is likely to cause serious harm.

If there has been an eligible data breach, the nominated supervisor or responsible person will take the following actions:

- Review the breach and rectify it as soon as possible.
- Change passwords and access levels, where appropriate.
- If the breach is due to lost equipment, the equipment will be erased remotely, where possible.
- Review the storage of personal information and make changes as required to ensure that personal information is secure in the future.
- Where possible, data will be encrypted if saved on a portable device.
- Where it has been deemed an eligible data breach has occurred and there is a risk of serious harm, the individuals affected will be notified with the following information: name and contact details for the business, a description of the data breached, the types of personal information concerned, as well as recommendations that individuals should take after the breach via a statement.
- The Australian Information Commissioner will be contacted and notified of the eligible data breach. The nominated supervisor will complete the notification form available from the website of the Office for the Australian Information Commissioner.

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- The nominated supervisor will notify their local regulatory authority via the ACECQA NQAITS portal of the incident within 7 days of this occurring.

Unauthorised access/disclosure and loss

Unauthorised access to personal information is deemed to have occurred when someone who is not permitted to access this information gains access, including employees, contractors or an external third party.

Unauthorised disclosure occurs intentionally or unintentionally, makes personal information accessible or visible to others outside the entity, and releases the information from its effective control in a way not permitted by the Privacy Act. Loss refers to accidental or incidental loss of personal information, which leads to circumstances where it is likely to result in unauthorised access or disclosure.

Serious harm

Serious harm may include serious physical, psychological, emotional, financial or reputational harm. When assessing whether serious harm may occur, consider the following: the type of information involved in the data breach, the circumstances of the data breach, and the nature of the harm that may result from the data breach.

Disclosing personal and sensitive information

Our service will only disclose personal or sensitive information to:

- A third-party provider with parent permission (for example CCS software provider).
- Child protection agency.
- As part of the purchase of our business asset with parental permission.
- Parents/guardians or other persons responsible for the child, in consultation with the nominated supervisor, or an educator responsible for the care of the child.
- Appropriate management representatives.
- Permanent contact educators where appropriate.
- The state regulatory authority, including advisers within relevant state regulatory authority.
- Other authorised officers, e.g. from funding bodies (government agencies) etc;

Such access must however not be provided unless the person produces their credentials to the nominated supervisor/responsible person.

Individuals wishing to access their personal information must make a written application to the nominated supervisor, who will arrange an appropriate time for this to occur. The nominated supervisor

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will protect the security of the information by checking the identity of the applicant and ensuring someone is with them while they access the information, to ensure the information is not changed or removed without the nominated supervisor's knowledge.

The service will take all necessary steps to ensure that all personal information collected, used or disclosed is accurate, complete and up to date.

Confidential conversations will be conducted in a quiet area away from other people. Such conversations must be documented and stored in a confidential folder.

Educators will not give information or evidence on matters relating to children and/or their families to anyone other than the responsible parent/guardian unless prior written approval by the responsible parent/guardian is obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law.

Confidential information may be exchanged in the normal course of work with other educators at the service and may be given to the approved provider when this is reasonably needed for the proper operation of the service and the wellbeing of children and staff.

Complaints and grievances

If a parent, employee, or volunteer has a complaint or concern about our service, or believes there has been a data breach of the Australian privacy principles, they are requested to contact the approved provider so reasonable steps can be taken to investigate the complaint and a response provided.

Confidentiality agreements

All staff will be expected to sign a confidentiality agreement as part of their ongoing employment at the centre.

ACKNOWLEDGEMENTS REFERENCES

[ECA Code of Ethics - Early Childhood Australia](#)
[Education & Care Services National Law Act 2010](#)
[Education and Care Services National Regulations \(2011 SI 653\)](#)
[Privacy Act 1988 \(Cth\)](#)
[United Nations Convention on the Rights of the Child](#)
[Child Care Provider Handbook - The Department of Education](#)
[Australian Privacy Principles | OAIC](#)
[Federal Register of Legislation Privacy Act 1988](#)
[ACECQA - Guide to the National Quality Framework](#)
[ACECQA - CHILD SAFETY - Understanding Paramount Consideration](#)

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Version:25 V 2.0	Revisions:Reviewed	Creator:Alicia Turner	Document Type:LDC – Policies	Created Date:08/05/2025
Version:24 V 1.0	Revisions:New V# System.	Creator:Letitia Anderson (SA)	Document Type:LDC – Policies	Created Date:01/04/2024
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