PRIVACY AND CONFIDENTIALITY POLICY

Privacy is acknowledged as a fundamental human right. Langwarrin Community Centre (LCC) has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in the Early Childhood Australia (ECA) Code of Ethics, Education and Care Services National Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of the Service will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with families.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.1	Service philosophy and purposes	A statement of philosophy guides all aspects of the service's operations.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
S 2A	Paramount consideration
S 167	Offence relating to protection of children from harm and hazards
Part 6A	Devices in education and care services
168	Education and care services must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedure
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

RELATED LEGISLATION

Child Care Subsidy Secretary's Rules 2017	Family Law Act 1975
A New Tax System (Family Assistance) Act 1999	Child Care Subsidy Minister's Rules 2017
Privacy Act 1988 (the Act)	
Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook	

RELATED POLICIES

Dealing with Complaints Policy Enrolment & Orientation Policy Committee of Management Policy Communication Policy - Family Governance Policy	Interaction with Children, Family and Staff Policy Payment of Fees Policy Record Keeping and Retention Policy Safe Use of Digital Technologies and Online Environments Policy Writing Reviewing and Maintaining Policies

PURPOSE

To ensure that the confidentiality of information and files relating to the children, families, staff, and visitors using the Service is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records. We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information. LCC takes data integrity very seriously, we strive to ensure all records and data is protected from unauthorised access and that it is available to authorised persons when needed. This policy provides procedures to ensure data is stored, used and accessed in accordance with relevant policies and procedures, example enrolment policy.

We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions. Our Service ensures that child safety, wellbeing and best

interests take priority over all other considerations, including financial interests or other obligations of management, and are embedded in our daily practices, policies and procedures.

Our Service complies with all applicable legislative and regulatory requirements relating to the taking, use, storing, sharing and destruction of images or videos of children. (See *Safe Use of Digital Technologies and Online Environments Policy*.)

SCOPE

This policy applies to children, families, educators, staff, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

IMPLEMENTATION

Under National Law, Section 263, Early Childhood Services are required to 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 are required to 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 Services, Family Day Care Services, and Out of School Hours Care Services to provide notice to 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 a reasonable and expeditious assessment to determine if the data breach is likely to result in 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.

(Source: OAIC Australian Privacy Principles)

THE APPROVED PROVIDER/ NOMINATED SUPERVISOR/ MANAGEMENT WILL:

- ensure that obligations under the Education and Care Services Victorian Law and Education and Care Services Victorian Regulations are met
- ensure the Service acts in accordance with 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 the information is collected
  - who will have access to information
  - collection, storage, use, disclosure, and disposal of personal information collected by the Service
  - any law that requires the particular information to be collected
  - adequate and appropriate storage for personal information collected by the Service
  - protection of personal information from unauthorised access.
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy
- ensure families are aware of the privacy and confidentiality policy
- require new employees to sign a *Confidentiality Agreement* as part of their induction and orientation
- ensure only devices that are supplied or issued by and registered with the Service are used to record and store images and videos of children
- advise students, volunteers and visitors of their role to maintain confidentiality during induction
- 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 in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012 and* only authorised personnel have access to private and sensitive information
- ensure all records and documents are maintained and stored in accordance with 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
- ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations [regulation 183 (2)]
- ensure the appropriate and permitted use of images of children, including obtaining written consent from parents and/or guardian of children who will be photographed or videoed by the service
- ensure personal electronic devices including phones, smartwatches or other devices that are able to take, store or transmit images or videos, are not in the possession of any person while providing education and care directly to children.

- ensure only devices that are supplied or issued by and registered with the Service are used to record and store images and videos of children
- ensure all employees, students, volunteers, and families are provided with a copy of this policy
- deal with privacy complaints promptly and in a consistent manner, following the Service's *Dealing with Complaints Policy* and procedures
- ensure families only have access to the files and records of their own children
- ensure information given to educators will be treated with respect and in a professional and confidential manner
- ensure only necessary information regarding the children's day-to-day health and wellbeing is given to non-primary contact educators. For example, food allergy information
- ensure individual child and staff files are stored in a locked and secure cabinet
- ensure information relating to staff employment will remain confidential and available only to the people directly involved with making personnel decisions
- ensure that information shared with the Service by the family will be treated as confidential unless told otherwise
- refer to individual family court orders for guidance regarding access, sharing and release of information where required
- upon request from a parent, provide documents or information relating to their child
- ensure information regarding the health and wellbeing of a child, family member or staff member is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law under relevant state/territory legislation (including Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS) in Victoria.) See Child Protection Policy for further information regarding legal obligations to sharing information as per CISS or FVISS Schemes in Victoria.

EDUCATORS AND STAFF WILL:

- read and adhere to the *Privacy and Confidentiality Policy* at all times
- comply with legislative requirements regarding the use of personal electronic devices used to take, store or transmit images or videos of children whilst at the education and care Service
- 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 service documentation and records remain at the Service
- inform management if they learn of images of enrolled children being shared on social media or by any other format by families or staff that have been obtained via the Services' app, Facebook page or other format; or photos taken during special events by the Service or families

- ensure families only have access to the files and records of their own children (unless a court order prohibits access)
- 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 the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- ensure that information shared with the service by the family will be treated as confidential unless told otherwise
- maintain individual and Service information and store documentation according to this policy at all times
- ensure personnel and sensitive information is not accessed by unauthorised persons
- not disclose or share information about an individual or Service, management, or other staff (unless authorised to do so by legislation)
- ensure passwords used to gain access to private and sensitive information are not shared with others
- ensure any media enquiries are directed to the approved provider or nominated supervisor.

FAMILIES WILL:

- be aware of and adhere to the *Privacy and Confidentiality Policy* upon enrolment
- be aware of and adhere to the *Family Conduct Guidelines* upon enrolment
- ensure all information provided to the Service is accurate and kept up to date
- be informed that access to documentation and personal information is limited to their own child/ren
- follow the *Dealing with Complaints Policy* regarding any complaints or concerns regarding privacy and confidentiality of private and sensitive information
- share information relating to individual family court orders or parenting plans with the Service and update these as required
- ensure they do **not** share data or personal information of other family members, children or staff members from the Service with anyone, including other families of the same Service
- **not** use or share images obtained from the Service, via the Services app, or other format
- **not** share photographs taken during special events for publishing on any social media or for sharing in any format
- respect that staff are prohibited to share information about other children, families or staff members without expressed written consent to whom the information relates to.

SAFE USE OF DIGITAL TECHNOLOGIES

Our Service ensures that practices relating to privacy and confidentiality of personal digital data, including images and videos of children and use of CCTV comply with legislative and regulatory requirements as outlined in our *Safe Use of Digital Technologies and Online Environments Policy.*

The approved provider will ensure all staff, educators, students, volunteers and where relevant, visitors (including ECIP professionals) comply with policies and practices for the safe use of digital technologies where images and videos of children are:

- only taken on Service-issued or supplied electronic devices
- stored and secured using password protections systems
- accessed only by approved personal
- not stored or transferred to personal electronic devices (including SD cards, USB drives etc).

Any personal information is de-identified or destroyed and removed from storage, in accordance with the *Record Keeping and Retention Policy.*

Parents/guardians are required to provide written authorisation for the use, storage and destruction of digital documentation, including images and videos. The approved provider will ensure images and videos are destroyed and removed from storage if a parent/guardian revokes their authorisation.

Australian Privacy Principles- Personal Information

Langwarrin Community Centre ABN 93 342 036 070 is committed to protecting personal information in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012.*

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 an opinion about a range of personal information that has a higher level of privacy protection than other personal information.
(Source: OAIC-Australian Privacy Laws, Privacy Act 1988)

Personal information will be collected and held securely and confidentially about you and your child to assist 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
- ☐ Address
- ☐ 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
- ☐ 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 our Service may request regarding parents and guardians

- ☐ Parent/s full name
- ☐ Guardian/s full name
- ☐ Address
- ☐ Phone number (mobile & work)
- ☐ Email address
- ☐ Bank account or credit card detail for payments
- ☐ Centrelink Customer Reference number (CRN)
- ☐ Custody arrangements or parental agreement

Personal information our Service may request regarding staff, students and volunteers

- ☐ Personal details
- ☐ Tax information
- ☐ Banking details
- ☐ Working contract
- ☐ Emergency contact details
- ☐ Medical details
- ☐ Working With Children Check verification
- ☐ Educational Qualifications
- ☐ Medical history
- ☐ Resume

Signature _____ *Date_17__/_06__/_2026__*

- ☐ Superannuation details
- ☐ Child Protection qualifications
- ☐ First Aid, Asthma and Anaphylaxis certificates
- ☐ Professional Development certificates
- ☐ PRODA related documents such as RA number and related background checks

METHOD OF COLLECTION

Information is generally collected using standard forms at the time of enrolment or employment

Additional information may be provided to LCC through email, surveys, telephone calls or other written communication.

Information may be collected online through the use of software such as CCS software or program software

HOW WE PROTECT YOUR PERSONAL INFORMATION

To protect your personal and sensitive information, we maintain physical, technical and administrative safeguards as follows:

- All hard copies of information are stored in children's individual files or staff individual files in a locked cupboard.
- All computers used to store personal information are password protected. Each staff member will be provided with a unique username and password for access to CCS software and program software. Staff will be advised not to share usernames and passwords.
- Access to personal and sensitive information is restricted to key personal only.
- Security software is installed on all computers and updated automatically when patches are released
- Data is regularly backed up on 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 all information.
- Procedures are in place to ensure information is communicated to intended recipients only, example invoices and payment enquiries

ACCESS TO PERSONAL AND SENSITIVE INFORMATION

Personal and sensitive information about staff, families and children will be stored securely at all times. Families who have access to enrolment or program information online will be provided with a unique username and password. Families will be advised not to share username and passwords or photos shared on apps.

The Approved Provider 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 [See: Child Information Sharing Scheme (CISS) Family Violence Information Sharing Scheme (FVISS) Victoria]
- with the written consent of the person who provided the information (written consent may be withdrawn at any time).

Education and Care National Regulations (reg 177) specifically state personal information relating to the individuals listed below must not be disclosed or shared with a parent of a child enrolled at the Service without prior written consent of the person to whom the personal or sensitive information relates to:

  - a parent of a child
  - a person who is an emergency contact
  - a person who is an authorised nominee
  - a person who is authorised to consent to medical treatment
  - a person who is authorised to authorise an educator to take a child outside the Service
  - a person who is authorised to authorise transport

Individuals may withdraw their consent in writing prior to personal information being disclosed.

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- Office of the Children's Guardian and Regulatory Authority as per our *Child Protection and Child Safe Environment Policies*
- as part of the purchase of our business asset with parental permission
- authorised officers (for example public health officer)
- the regulatory authority or an authorised officer
- as expressly authorised, permitted or required to be given by or required to be given by or under any Act or Law [Child Information Sharing Scheme, Family Violence Information Sharing Scheme VIC]

- with the written consent of the person who provided the information

If the Service is transferred to a new approved provider, any records and documents will be transferred to the new approved provider following written consent from parents/guardians regarding the transfer and sharing of records and documents. Families will be notified in writing at least 7 calendar days before a change of approved provider takes effect, including about how any personal and sensitive information will be managed post-transfer.

COMPLAINTS AND GRIEVANCES

If a parent, family member, child, employee or volunteer has a complaint or concern about our Service, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact the Approved Provider so reasonable steps to investigate the complaint can be made and a response provided. [See: *Dealing with Complaints Policy*]

If there are further concerns about how the matter has been handled, please contact the Office of Australian Information Commissioner on 1300 363 992 or:
https://forms.business.gov.au/smartforms/landing.htm?formCode=APC_PC
For any other general concerns, please contact the Approved Provider directly on: 03 9789 7653

BREACH OF POLICY

Staff members or educators who fail to adhere to this policy may be in breach of their terms of employment, staff members who engage in unauthorised disclosure of confidential or sensitive personal information may face disciplinary action. Visitors or volunteers who fail to comply to this policy may face termination of their engagement.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Privacy and Confidentiality Policy* will be updated and reviewed biennially in consultation with families, staff, educators and management.

SOURCE

Australian Children's Education & Care Quality Authority. (2026). *Guide to the National Quality Framework*
Australian Children's Education & Care Quality Authority. (2024). *National Model Code for Early Childhood Education and Care.*
Australian Government Department of Education. *Child Care Provider Handbook (2025)*
https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook
Australian Government Office of the Australian Information Commission – Australian Privacy Principles:
https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles

Children (Education and Care Services) National Law (NSW) (NSW services only)
Early Childhood Australia. (2016). *Code of Ethics.*
Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011
Education and Care Services National Regulations (NSW) (2025) (NSW services only)
Privacy Act 1988.
UN General Assembly (1989) United Nations Convention of the Rights of a child
Victorian Government. Child Information Sharing Scheme

REVIEW

POLICY REVIEWED BY:	Carol Hopkins	CSO	June 2026
POLICY REVIEWED	June 2026	NEXT REVIEW DATE	June 2028
MODIFICATIONS	• policy maintenance • National Model Code now a legislated requirement and referred to as 'applicable legislative and regulatory requirements' to reflect child safe amendments in National Law and Regulations • added children's safety, wellbeing and best interests to be paramount consideration for all service operations (adjust for your state/territory) • sources checked for currency		
VERSION	V3 06.26		
APPROVED BY	Maurie Richards		

POLICY REVIEWED BY:	Carol Hopkins	CSO	April 2025
POLICY REVIEWED	April 2025	NEXT REVIEW DATE	August 2026
MODIFICATIONS	• policy maintenance • additional information added re: sharing images obtained from Service's app or at events; staff use of personal electronic devices • information added about only disclosing personal information about a child to parents (unless a court order prohibits this) • regulation 177(4A) information added to policy • sources checked for currency		
VERSION	V2 04.2025		
APPROVED BY			
POLICY REVIEWED BY:	Carol Hopkins	CSO	July 2023
POLICY REVIEWED	July 2023	NEXT REVIEW DATE	July 2024
MODIFICATIONS	• New Policy		