

Confidentiality and Privacy

Purpose

Please also refer to [PC 1.2 Confidential Information](#) & [PC 2.3 Privacy](#) on Inside Play

ECMS early years services acknowledges and respects the privacy of all families and educators. All information recorded and/or stored will be subject to the broader ECMS Privacy Policy.

Information will not be given to any person without prior permission of the appropriate person (educators and parents). This includes personal information, addresses, telephone numbers, family composition etc.

Parents can request at any time to ECMS services to have access to all records and information that concern them or their child/ren.

All observations and recording of children in the service will be documented objectively and in an un-biased manner.

Children and family information is kept in a locked filing cabinet in the office that is accessible to appropriate educators.

All records remain the property of ECMS and shall not be removed from the Centre.

Procedures

This policy will be:

- Accessible at all ECMS services and offices;
- Made available on request to anyone who asks for it;
- Provided to all employees and anyone who handles personal information on behalf of ECMS.

Type of Personal and Health Information to be Collected

We will only collect the information we need, and for which we have a purpose that is legitimate and related to one of our functions or obligations.

The type of information we collect and hold includes (but is not limited to) personal information, including health information, regarding:

- Children and parents/guardians before and during the child's attendance at a service (this information is collected in order to provide and/or administer our services to children and parents/guardians).
- Committee members at ECMS services (this information is collected to enable ECMS to work with committees in administering the services).
- Job applicants, employees, members, volunteers and contractors (the information is collected in order to manage the relationship and fulfil our legal obligations).

- Contact details of other parties with which the service deals.

We will collect information on the following identifiers:

- Health Care Card (HCC) for children attending preschool in order for them to receive the State Government Fee Subsidy. Failure to provide this would result in the parents/guardians not obtaining the Fee Subsidy.
- Tax File Number for all employees related to the deduction and forwarding of tax to the Australian Tax Office (ATO). Failure to provide this would result in maximum tax being deducted.
- Customer Reference Number (CRN) for children attending childcare services in order for them to access Childcare Benefit. Failure to provide this would result in the parents/guardian not obtaining the Childcare Benefit.

Personal information provided by individuals either in relation to themselves or their children using the service. We will generally collect personal information about an individual by way of forms filled out by parents/guardians or job applicants, face to face interviews and telephone calls.

When collecting personal information we will provide individuals, from whom we collect information, with a copy of our Collection Statement (Appendix 1). If the reason for collecting the information varies from the Collection Statement, the Collection Statement will be amended to cover the area required while still meeting the privacy principle requirements of HPP 1.4 (*Health Records Act 2001*), IPP 1.3 (*Information Privacy Act 2000*) and IPP 2 (*Privacy Act 1988*).

Notification of Individuals or the Parents/Guardians of Personal or Health Information Collected

What happens when we receive personal information from a source other than the individual or the parent/guardian? The person receiving the information will notify the individual, or the parent/guardian of the child to whom the information relates, on the receipt of this information and, as part of the notification, will advise that they have a right to request access to the information.

Access will be granted in accordance with the relevant legislation. Please note that the legislation allows us to deny access, in accordance with the limited reasons for denial that are contained in the legislation.

Use of Personal Information

We will use the personal information we collect for the primary purpose of collection. We may also use the information for such secondary purposes as are related to the primary purpose of collection and can be reasonably expected, or to which the individual concerned has consented.

The personal information collected in relation to:

- Children and parents/guardians;
- Committee members; and
- Job applicants, employees, contractors, volunteers and students,

Will be used as set out below:

Personal information and health information collected in relation to:	Primary purpose of collection	Examples of how the service will use personal information, including sensitive and health information, include:
Children and Parents/Guardians	To enable us to provide for the education and care of the child attending the service.	<ul style="list-style-type: none"> • Day to day administration; • Provision of a place for their child in the service; • Duty rosters; • Looking after children's educational, care and safety needs;

		<ul style="list-style-type: none"> • Fee collection; • For correspondence with parents/guardians relating to their child's attendance; • To satisfy the service's legal obligations and to allow it to discharge its duty of care.
Committee Members	To enable ECMS to work with Committees in managing their services.	For communication with Committee members.
Job applicants, employees, contractors, volunteers and students	To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as may be the case. To administer the employment, contract or placement.	Administering the individual's employment, contract, or placement, as may be the case; Health and safety; Insurance purposes; Satisfying the service's legal obligations, for example in relation to the Children's Services Act 1996 and the Children's Services Regulations 1998; Listing the names and qualifications of staff on material provided to prospective users.

Disclosure of Personal Information, Including Health Information

We may disclose some personal information held about an individual to:

- Government departments or agencies as part of their legal and funding obligations;
- Local Government in relation to enrolment details for planning purposes;
- Preschools within the central enrolment scheme managed by ECMS for the allocation of places;
- Organisations providing services related to staff entitlements and employment;
- Parent Committees to enable them to contact users of their service;
- Insurance providers in relation to specific claims;
- Law enforcement agencies;
- Health organisations and/or family in circumstances where the person requires urgent medical assistance and is incapable of giving permission;
- Anyone to whom the individual authorises the service to disclose information.

Treatment of Sensitive Information

Sensitive information will be used and disclosed only for the purpose for which it was collected or a directly related secondary purpose, unless the individual agrees otherwise, or the use or disclosure of the sensitive information is allowed by law.

Management and Security of Information

In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, ECMS staff will ensure that in relation to personal information:

- Access will be limited to staff who require this information in order to do their jobs;
- It will not be left in areas that allow for unauthorised access;
- The physical storage of all materials will be in a secure cabinet or area;

- Computerised records containing personal or health information will require password access or information will be stored on disc and the discs stored in a secure place;

There is security in transmission:

- Emails will only be sent to a person authorised to receive this material;
- Faxes will only be sent to a secure fax, which does not allow unauthorised access;
- Telephone. Only limited personal information will be provided over the telephone to persons authorised to receive that information;
- Transfer of information interstate and overseas will only occur with the permission of the person concerned or their parent/guardian.

Data Quality

We will endeavour to ensure that the personal information we hold is accurate, complete, up to date and relevant to our functions or activities.

Access to Information and Updating Personal Information

Individuals have the right to ask for access to personal information we hold about them without providing a reason for requesting access.

Under the privacy legislation, an individual has the right to:

- Ask for access to personal information that the service holds about them;
- To access this information; and
- To make corrections if they consider the data is not accurate, complete or up to date.

There are some exceptions set out in the Acts where access may be denied in part or in total. An example of some of the exemptions is where:

- The request is frivolous or vexatious;
- Providing access would have an unreasonable impact on the privacy of other individuals;
- Providing access would pose a serious threat to the life or health of any person;
- The service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

Process for Considering Access Requests

A person may seek access, to view or update their personal/health information:

- If it relates to action on behalf of their child, by contacting the Teacher/Coordinator at the service;
- For all other requests, by contacting ECMS head office on 8481 1100.

Personal information may be accessed in the following way:

- View and inspect information;
- Take notes;
- Obtain a copy.

Requests for access or to update personal information should nominate the type of access required, and specifying where possible, what information they seek. No reason is required in relation to why the request is made. The person seeking information, if the employee does not know them, must provide a visible form of identification.

The employee receiving the request will record the request and the date received. Each request will be acknowledged within 14 days, but preferably within 2 working days. Requests will be complied with within 30 days. However there could be a delay in responding if the

information is stored at an ECMS service and the timeline occurs over a period when the service is closed.

ECMS staff will provide access in line with the Privacy Acts. If the requested information is not given, the reasons for denied access will be given in writing to the person requesting the information.

In accordance with the legislation we reserve the right to charge for information provided, in order to cover the costs involved in providing the information.

Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with our service.

Disposal of information

We will not store personal information longer than necessary.

In disposing of personal information we will ensure that it is either shredded or destroyed in such a way that no one can access the information.

Collection Statement

We believe your privacy is important.

We have put in place a Privacy Policy, which illustrates how we will collect, use, disclose, manage and transfer personal information including health information. This policy is available on request.

Our service is, in some of its activities, bound by privacy legislation.

If we need to collect health information we are subject to the Health Records Act (Vic).

If we have collected information, as a service provider to the state government, we are covered by the Information Privacy Act (Vic). With all other transactions involving personal information, we are covered by the Commonwealth Privacy Act 1988.

Purpose for which Information is Collected

The reasons for which we generally collect personal information are:

Personal information and health information collected in relation to:	Primary purpose for which information will be used
Children and Parents/Guardians	To enable us to provide for the education and care of the child attending the service and to enable us to manage and administer the services as we are required.
Committee Members	To work with Committees in the management of ECMS services.
Job applicants, employees, contractors, volunteers and students	To assess and (if necessary) to engage the employees, contractors, volunteers or students, as the case may be; To administer the individuals employment, contracts or placement of students and volunteers.

You should be aware that under relevant privacy legislation, other uses and disclosures of personal information are permitted, as set out in that legislation.

Disclosure of Personal Information, Including Health Information

We may disclose some personal information, including health information, held about an individual to:

- Government departments or agencies as part of our legal and funding obligations;
- Local Government in relation to enrolment details for planning purposes;
- Preschools within the central enrolment scheme managed by ECMS for the allocation of places;

- Parent Committees to enable them to contact users of their service;
- Insurance providers in relation to specific claims;
- Law enforcement agencies;
- Organisations providing services related to employee entitlements and employment;
- Anyone to whom the individual authorises us to disclose information.

Laws that require us to Collect Specific Information

The Children’s Services Regulations 1998, Children’s Services Act 1996, Incorporations Act 1981 and employment related laws and agreements require us to collect specific information. Failure to provide the required information could affect:

- A child’s enrolment at the service;
- An employee’s employment.

Access to Information

Individuals on whom we hold personal or health information are able to gain access to this information in accordance with applicable legislation. The procedure for doing this is set out in our Privacy Policy, which is available on request.

For information on the Privacy Policy please contact ECMS head office on 8481 1100.

Policy Created Date	July 2014, Reviewed September 2016
Policy Review Date	September 2018
Sources and Further Reading	Education and Care Services National Regulations 2011 Regs - 181 Privacy Legislation: Victorian Information Privacy Act 2000 Health Records Act 2001; Commonwealth Privacy Act 1988 (Amended 2000) Family Law Act (Commonwealth) www.dhs.vic.gov.au Commission for Children and Young Peoples Act 2012 Section 42
Related to NQS Q.A	7.3.1