

### Confidential Information Policy

#### Purpose

The Policy sets the standards and expectations at ECMS in relation to Confidential Information.

#### Scope

This policy applies to all ECMS staff including the Board, Executive, support services, students on placement, volunteers, contractors, and others attending ECMS services (internal stakeholders) and parents/guardians (external stakeholders).

#### Background

‘Confidential Information’ is defined as any non-public information pertaining to ECMS’s business and operations.

Whether in writing or otherwise, it is information given to or gained by an internal stakeholder in confidence at any time, whether before, during, or after employment with ECMS, that relates to and includes, but not limited to, the following:

- Information relating to children, parents/guardians, communities, financial accounts and reports, statistics which affect financial results, subordinates, co-workers/peers, managers, other accounting information, business strategies, marketing plans, advertising or promotional programs, research, processes, or procedures and intellectual property
- All ECMS IT hardware and software or data stored on any externally managed (or hosted) databases containing information related to or managed by ECMS.

#### Exclusive Property

All confidential information is the exclusive property of ECMS.

#### Durations and Obligations

All those listed in the ‘Roles and Responsibilities’ section must comply with the obligations under this policy at all times during and after engagement with ECMS.

#### Duty of Confidentiality

Confidential information must not be disclosed to any person, except:

- In circumstances where all or part of the confidential information falls within the public domain other than through breach of this policy

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- As required by law
- With ECMS' prior written consent by Director People and Capability
- To internal stakeholders as an integral part of the member's role or duties.

An internal stakeholder must not use confidential information:

- For his or her own benefit
- For the benefit of any other organisation.
- To make a copy except if required to do so in the course of his/her employment/engagement. This copy or summary belongs to ECMS.

## Security of Data and Information

All internal stakeholders must:

- Ensure secure custody of confidential information in accordance with any relevant process or documented work instruction
- Not remove confidential information from ECMS premises (which includes as part of any device on which photos of children may be stored)
- Use his/her best endeavours to prevent the use or disclosure of confidential information to third parties
- Escalate to their manager or Director, as soon as reasonably practicable, in the event where data and/or information has been intentionally or unintentionally been shared or divulged to any third party that may be in breach of this policy.

## Privacy

In addition to the requirements of this policy, all internal stakeholders must also comply with ECMS guidelines regarding personal information which are detailed in the *ECMS Privacy Policy*.

## Delivery or Destruction of Confidential Information

All internal stakeholders must immediately deliver all confidential information that is capable of physical delivery to ECMS:

- At the end of their employment/engagement with ECMS
- At any time at the request of ECMS.

## Uncertainty about Confidential Information

If there is uncertainty about whether information is confidential information, or lawfully within the public domain, ECMS requests it be treated as confidential. This should be applied in all situations unless otherwise instructed by ECMS in writing.

## Other duties not affected

An internal stakeholder's obligations under this policy are without prejudice to every other duty of a staff member to keep secret information given to him or her in confidence.

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## Roles & Responsibilities

Director People and Capability	Is accountable for: <ul style="list-style-type: none"> <li>Ensuring implementation and compliance with this policy across the organisation.</li> </ul>
People & Capability	Responsible for: <ul style="list-style-type: none"> <li>To actively implement this policy together with the ECMS Privacy Policy and ensure that this is followed at all times.</li> </ul>
Area Managers	Responsible for: <ul style="list-style-type: none"> <li>Ensuring implementation and compliance with this policy</li> <li>Supporting educational teams to comply with the policy.</li> </ul>
All staff members, volunteers, contractors, student placement workers	Responsible for: <ul style="list-style-type: none"> <li>Adherence to this policy together with the ECMS Confidentiality Policy</li> <li>Understanding that they are required to adhere to the confidentiality clause stipulated within their employment contract or other related documentation.</li> </ul>

## Sources

Related Policy and Procedure	<p>Child Safe Culture Policy</p> <p>Child Safety Policy and Procedure</p> <p>Code of Conduct</p> <p>Complaints and Feedback Policy and Procedure</p> <p>Medical Conditions Policy and all associated Medical Procedures</p> <p>Incident Reporting Policy and Procedure</p> <p>Immunisation Policy and Procedure</p> <p>Infectious Diseases Policy and Procedure</p> <p>Information Sharing Scheme Policy and Procedure</p> <p>Medication Policy and Procedure</p> <p>Media Policy</p> <p>Privacy Policy</p> <p>Social Media Policy</p> <p>Reportable Conduct Policy and Procedure</p> <p>Use of Images of Children</p> <p>Participation of Volunteers and Students Policy and Procedure</p>
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Relevant Legislation	<p>Child Wellbeing and Safety Act 2005 (Vic)</p> <p>Education and Care Services National Law Act 2010 (Vic)</p> <p>Education and Care Services National Regulations 2011 (Vic)</p> <p>Family Violence Protection Act 2008 (Vic)</p> <p>Health Records Act 2001 (Vic)</p> <p>Privacy Act 1988 (Cth)</p> <p>Privacy and Data Protection Act 2014 (Vic)</p>
Sources and Further Reading	<p>Health Services Commissioner (03) 8601 5200 or 1800 136 066 or <a href="http://www.health.vic.gov.au/hsc/">www.health.vic.gov.au/hsc/</a></p> <p>Victorian Privacy Commissioner (03) 8616 8719 or 1300 666 444 or <a href="http://www.privacy.vic.gov.au">www.privacy.vic.gov.au</a></p> <p>Federal Privacy Commissioner 1300 363 992 or <a href="http://www.privacy.gov.au">www.privacy.gov.au</a></p>

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