

Privacy and Confidential Information Policy

Purpose

This policy outlines ECMS's commitment to protecting the privacy and confidentiality of all personal, sensitive, and health-related information collected in the course of delivering education and care services. It ensures compliance with the Australian Privacy Principles, Privacy Act 1988 (Cth), Health Records Act 2001 (Vic), and other relevant legislation, while supporting transparent, respectful engagement with children, families, staff, and partners.

Scope

This policy applies to:

- The Approved Provider, persons with management or control, Centre Director, Nominated Supervisor, and persons in day-to-day charge.
- Early Childhood teachers, educators, staff, contractors, students, volunteers, parents/guardians, children, and others enrolled and participating in ECMS programs and services, including during offsite excursions and activities.
- All ECMS-operated Early Learning Centres and Kindergarten programs.

Guiding Principles

ECMS is committed to an anti-bias approach in early childhood. ECMS operates within a framework of social justice and equity - this means we celebrate family and cultural diversity and aim to be supportive, responsive, and inclusive of all children. ECMS is committed to:

- Personal and health information is collected lawfully, fairly, and where required, with consent.
- Information is used only for the purpose it was collected, or as otherwise permitted by law.
- Access to confidential information is limited to authorised individuals.
- Records are stored securely and retained in accordance with legal requirements.

- Individuals have the right to access and correct their own personal information.

Types of Information Collected

- Child and family enrolment and health details
- Staff employment and qualification records
- Incident reports and behavioural support plans
- Assessment and development documentation
- Contact details and communications records
- Mandatory reporting, legal, or compliance-related records
- Unsolicited personal information received verbally, in writing or in digital channels.
- Financial and payment information, including bank account and credit card details provided for fee payments, refunds or direct debit arrangements.

Use and Disclosure

Information may be used and disclosed:

- For the delivery of education and care services
- To meet legal obligations (e.g., child protection, reportable conduct)
- With consent, to external support services or professionals
- Under the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS)
- In response to subpoenas, court orders, or government audits
- To contracted service providers, including international providers where reasonable steps have been taken to ensure compliance with Australian Privacy Principles (APP 8)

Information Sharing Schemes

ECMS is an authorised Information Sharing Entity (ISE) under the Victorian CISS and FVISS frameworks. Staff are trained in how and when to share information to promote child wellbeing or respond to family violence, always balancing privacy with child safety.

Confidentiality in Practice

- Staff must not discuss confidential information in public or unauthorised settings.
- Information should not be shared with colleagues unless there is a clear work-related need.
- All printed and electronic records must be stored securely.
- Staff are expected to escalate any privacy breaches or concerns immediately.

Retention and Destruction of Information

ECMS retains personal, sensitive and health related information only for as long as it is required to fulfill its purpose, meet legal obligations or support service delivery.

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When information is no longer required, it is securely destroyed or de-identified in accordance with legal requirements, sector standards and ECMS Records Management procedure.

All staff must follow ECMS approved processes for secure document disposal and digital data deletion.

Access and Corrections

Families, staff, and others may request access to their own personal records. Requests must be made in writing and will be responded to within a reasonable timeframe. Corrections can be made where information is inaccurate or outdated.

Direct Marketing

ECMS may use personal contact information (such as names, email addresses or phone numbers) to provide families and stakeholders with information about our services, programs, enrolments, events and initiatives.

This is considered direct marketing and is conducted in compliance with the Australian Privacy Principles (APP 7). Individuals may opt out of receiving future marketing communications at any time by using the unsubscribe function provided in emails or contacting ECMS directly.

Breaches and Complaints

Privacy breaches will be managed in line with ECMS's complaints and incident management procedures. Serious breaches may be reportable to the Office of the Australian Information Commissioner (OAIC) or the Health Complaints Commissioner (Vic).

Note- The Australian Government has committed to introducing a statutory tort for serious invasions of privacy, strengthening individual rights and organisational accountability. ECMS is monitoring legislative developments to ensure our privacy practices remain aligned with future obligations.

Roles & Responsibilities

Director of Risk & Compliance	<ul style="list-style-type: none">Oversee organisational compliance with this policy	
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Risk & Compliance Team	<ul style="list-style-type: none"> Investigate breaches, respond to complaints and oversee legal compliance
Centre Directors and Nominated Supervisors	<ul style="list-style-type: none"> Monitor privacy compliance in day-to-day practice
Educators, Students on Placement, Volunteers, and Contractors	<ul style="list-style-type: none"> Protect personal information and maintain confidentiality at all times

Contact and Complaints

If you have a query or concern about how your personal or health information is handled or would like to request access or correction, please contact the ECMS Privacy Officer.

Email: privacy@ecms.org.au

Phone: 8431 1100

Mail: 192 High Street | PO Box 182 | Northcote VIC 3070

If you are not satisfied with our response, you may contact the Office of the Australian Information Commissioner (OAIC): www.oaic.gov.au

Health Complaints Commissioner (Vic): www.hcc.vic.gov.au

Related Legislation, Regulations and Resources

- Australian Privacy Principles
- Privacy Act 1988 (Cth)
- Health Records Act 2001 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Information Sharing Scheme resources

Related Policies and Procedures

- Acceptable Use of IT and Online Safety Policy
- Child Safe and Wellbeing Policy
- Code of Conduct
- Complaints and Feedback Policy
- Enrolment Policy
- Incident Reporting and Reportable Conduct Policy
- Information Sharing Scheme Policy
- Parent Access and Involvement Policy
- Payment of Fees Policy

Supporting Procedures

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- Complaints and Feedback Procedure
- Enrolment Procedure
- Parent Access and Involvement Procedure
- Payment of Fees – Related Procedures

Supporting Documents

- Privacy Collection Statement

Document Version History			
Version	Reason for Amendment	Approved by	Approval date
1.0	Policy merged and updated	ECMS Executive	July 2025

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