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		EASTWOOD HEIGHTS OOSH POLICY		
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Written By Nominated Supervisor	Reviewed By EHOOSH Management committee	Approved By EHOOSH Management committee	Supersedes Version 1	Effective Date April 2021

Eastwood Heights OOSH

Confidentiality and Privacy Policy

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1.0	October 2018	Endorsed by OOSH executive committee
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1.2	April 2021	Edited and reviewed
2.0		

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1. POLICY STATEMENT

Eastwood Heights OOSH (the Service) understands the importance of developing practices that respect privacy and confidentiality so that families trust the Service and openly exchange information with educators important to the care of a child. The Service endeavours to encourage secure, respectful and reciprocal relationships and conduct itself in a professional, discreet and ethical manner.

Legislation requires that families provide personal information to the Service so that appropriate care can be taken of their children. Educators and staff at the service will use and discuss this information amongst themselves in order to fulfil their responsibilities towards the child. It is important therefore to ensure that educators and staff are fully aware of their responsibilities for maintaining strict confidentiality under the *Privacy Act 1988*.

Families are informed of their rights upon enrolment in regard to accessing their personal information, and how the Service ensures that information is protected from unauthorised access. Families are to be informed about which people have authorised access to their child's personal information. The Service protects the privacy, dignity and confidentiality of individuals by ensuring that all records and information about individual children, families, educators/staff and management are kept in a secure place and only accessed by or disclosed to authorised people who need the information to fulfil their responsibilities at the Service (or have a legal right to know).

2. PROCEDURES

Personal information will only be collected in so far as it relates to the Service's activities and functions, and in line with relevant legislation. Collection of personal information will be lawful, fair, reasonable and unobtrusive. The use or disclosure of personal information will only be for its original collected purpose, unless the individual family consents or unless the information is needed to prevent a health threat, or is required or authorised to be disclosed under law. Personal information will be kept in a secure and confidential way, and destroyed by shredding or incineration when no longer needed.

Individual families will be provided with access to their personal information and may request that their information be updated or changed where out of date or incorrect. Individuals wishing to access their personal information should make written application to the Approved Provider (ie the EHOOSH Parent Management Committee) or Nominated Supervisor of the Service, who will arrange an appropriate time for this to occur. The Approved Provider or Nominated Supervisor will protect the security of the information by checking the identity of the applicant and having a staff member remain with the applicant while they access the information to ensure the information is not changed or removed without the Approved Provider/Nominated Supervisor's knowledge.

Confidential conversations educators have with family members, or the Approved Provider/Nominated Supervisor has with educators, will be conducted in a quiet area away from other children, family members and staff.

Visual images of enrolled children will not be taken, recorded, removed from the Service, or used for any purpose without the written consent of the parent/guardian, except where visual images are used within the Service for monitoring an enrolled child, or visual images are taken by an authorised officer acting in the course of his/her duties, in which case only the parent/guardian and authorised staff will have access to the images. Parental/guardian consent to visual images being taken is to be recorded

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on the child's enrolment form.

The Service does not permit the use of photos of children at the Service, or any other information that may identify children or families, on social media sites such as Facebook. This rule applies to all employees, management committees, students, people on work experience, volunteers or any other person that may have access to children at the Service.

The Approved Provider and/or Nominated Supervisor will deal with any privacy complaints promptly and in a consistent manner, following the Service's Grievances and Complaints Policy. Where the aggrieved person remains dissatisfied after going through the grievance process, they may appeal in writing to the Privacy Commissioner in the Office of the Australian Information Commissioner (www.oaic.gov.au).

3. EMPLOYEE/EDUCATOR AND SERVICE MANAGEMENT ISSUES

Personnel forms and employee information will be stored securely. Applicants, students or volunteers will be informed that their personal information is being kept and for what reason. Applicants will be asked for their consent before their references are checked. Information about educators/staff members will only be accessed by the Approved Provider/Nominated Supervisor and individual staff member concerned.

Every member of the Approved Provider and each employee of the Service is required to sign a Confidentiality Statement and is provided with written guidelines detailing:

- what information is to be kept confidential and why
- what confidential information they may have access to in order to fulfil their responsibilities and how this information may be accessed
- who has a legal right to know what information
- where and how the confidential information should be stored
- the prohibition on the use of photos and information on social media sites.

No educator or member of staff may give information or evidence on matters relating to children and/or their families, either directly or indirectly, 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. Notwithstanding these requirements, confidential information may be exchanged in the normal course of duties with other staff members at the Service and may be given to the Approved Provider when this is necessary for the proper operation of the Service and the wellbeing of its users and employees. All matters discussed at committee meetings will be treated as confidential. Where issues are raised with the management committee about staff or children no names are used.

Educators/staff are aware of the need for sensitivity and confidentiality in handling information regarding child protection issues. Reports, notes and observations about children must be accurate and free from biased comments or negative labelling. (See further the Child Protection Policy.)

Staff will protect the privacy and confidentiality of other staff members by not unnecessarily relaying personal information about another staff member to anyone within or outside the Service. Confidential information about staff members will only be accessed by the Nominated Supervisor, or any other staff member that requires access in order to fulfil their role (eg Parent Management

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Committee representative). Some information pertaining to individual circumstances may be disclosed to the Approved Provider in certain instances.

Students, people on work experience and volunteers will not allow staff, children or families at the Service to become an object for discussion outside of the Service (eg at college, school, home etc). They should only use information obtained from the Service in tutorials (or other course work) if written approval is given by the Service, and must never use or divulge the names of the relevant individuals. Nor will family names or other personal information applied in course work ever be used on social media.

Educators, staff or Approved Provider committee members are not permitted to discuss the Service or its staff on social media sites generally. Failure to adhere to this edict would be seen as unprofessional conduct and be subject to the relevant grievance procedure process in the Grievances and Complaints Policy. The Service also includes information about its social media policy in its Family, Educator and Management Committee Handbooks, and will include regular reminders about the policy in Service newsletters.

4. REFERENCES

4.1 Statutory authority

- Privacy Act 1988
- Education and Care Services National Law Act 2010 (Regulation 181, 183)
- National Quality Standard (Standard 7.3.1)

4.2 Service policies

- Child Protection Policy
- Grievances and Complaints Policy
- Maintenance of Records Policy
- Social Media Policy