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| Policy: QA 7.3 | <h2>Privacy and Confidentiality</h2> |
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**Policy Statement:**

The administration and management of a children’s service requires a large amount of information to be stored on individual children and their families. Pinnacle Preschool are committed to upholding the rights of children and families for confidentiality and privacy of family details, circumstances and the provision of information which at times may be sensitive.

Pinnacle Preschool are committed, through the development of this policy, to inform families on the types and reasons for the collection of information and how long these are required to be stored. Pinnacle Preschool will only disclose information on a lawful request, such as subpoena or actions related to an Act of Law. The personal records of children and families are treated respectfully and stored in locked spaces, with a plan and procedure for the archiving, storage or disposal of records in a confidential manner as per the guidelines stated in the regulations.

**Responsibilities and delegations:**

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| This policy applies to    | Pinnacle Preschool staff, volunteers, contractors and families.   |
| Specific responsibilities | This policy is developed by the CEO and reviewed by Pinnacle Preschool staff and Board of Directors. It is communicated and implemented by the CEO and staff. |
| Policy approval           | ODEEP CEO   |

**Policy context** – this policy relates to:

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| Legislation                            | Children (Education and Care Services) National Law NSW 2010<br>Education and Care Services National Regulations 2011<br>Regulations 168, 181, 183,<br>Privacy and Personal Information Protection Act 1998 (NSW) |
| Standards                              | <b>National Quality Standards:</b><br>Quality Area 7: Leadership and Service Management, Standard 7.1.2   |
| Organisation policies                  | Governance and Management Policy<br>Fee Collection Policy<br>Feedback and Complaints Handling Policy  |
| Forms, record keeping, other documents | Pinnacle Preschool Enrolment Form<br>Medication administration form<br>Authority to Collect form<br>Checklist of children’s files – required documents  |

The Education and Care Services National Law and Regulations outline the relevant timeframes in which information relating to children and families must be stored. The retention of records for the following prescribed times will be done so in a secure and confidential manner:

- Records relating to incident, illness, injury or trauma suffered by a child whilst being educated and cared for, must be stored until the child is 25 years of age.
- Records relating to the death of a child whilst being educated and cared for until the end of 7 years after the death.
- Any other records relating to the child enrolled at the education and care service, until 3 years after the last date on which the child was educated and cared for.

### **Procedures:**

#### **Pinnacle Preschool management:**

- Will ensure that information kept in children's records is not divulged or communicated, directly or indirectly, to another person, other than to the extent needed to seek urgent medical attention, to the parent of the child whom the information relates to with written consent, to the regulatory authority as requested or as expressly authorised under an act of law.
- Will ensure that children's records are stored in a safe and secure place for the relevant periods of retention.
- Will inform families, in this policy and the enrolment form, of their right to access their personal information, have this corrected as needed, make a complaint about their access to or storage of personal information.
- Will ensure families are informed on enrolment how any images or photographs of their children will be used and seek authorisation for the use.
- Will ensure that information collected on children and families is only used in the manner in which it was intended to be used.
- Will regularly monitor children and family files to ensure they are up to date and contain necessary information and authorisations.
- Will ensure that private spaces are available for families and staff to meet in to discuss confidential matters relating to families and children.
- Will seek further advice where needed relating to the release of private or confidential information relating to custody issues, out of home care organisations, foster carers, or grandparents.

#### **Pinnacle Preschool staff:**

- Will have access to the Privacy Policy and have the opportunity to review it and discuss with management as needed, to understand their responsibilities and the rights of families to privacy and confidentiality.
- Will ensure that any records, forms or documentation that include family information of a private nature are locked away and stored in a confidential manner.
- Will liaise with ODEEP management when a request is made to share confidential information relating to families.
- Will uphold a family's rights to privacy by not discussing children or families with external parties without permission, except in relation to child protection concerns or under an act of law.
- Will understand their rights to privacy and have those rights upheld by ODEEP management by not publishing, sharing or discussing any personal information relating to preschool staff members.
- Will encourage families to make a time to meet to discuss personal, private or confidential matters so these can be conducted in a private space and confidential manner.



**Pinnacle Preschool families:**

- Will be informed of their rights in relation to privacy and confidentiality of sensitive family information or personal details.
- Have a right to request access to their child’s records at any time. This request should be done in writing to ODEEP / Pinnacle Pre-school management. Families will be informed that their request to personal information may be refused under certain conditions, being if the privacy of other individual’s is compromised or the request for information relates to legal issues where there are valid reasons for not sharing information relating to custody or guardianship issues.

**Policy Disclaimer:**

This policy will be reviewed to ensure compliance with legislation and industry changes. This will occur at any time that is required, or a minimum of every two years. In accordance with Regulation 172 of the Education and Care Services National Regulations 2011, parents / guardians of enrolled children will be notified at least 14 days prior to a change in any policy or procedure referred to in Regulation 168 that may have a significant impact on the provision of education, fees or the family’s access to the service.

| <b>Record of policy development:</b> |                      |                        |
|--------------------------------------|----------------------|------------------------|
| <b>Version</b>                       | <b>Date approved</b> | <b>Date for review</b> |
| Version 1                            | 1 September 2019     | September 2021         |
| Version 2                            | 15 September 2021    | September 2022         |
| Version 3                            | 10 May 2022          | 10 May 2023            |