PRIVACY AND CONFIDENTIALITY POLICY

Mandatory – Quality Area 7

PURPOSE

This policy will provide guidelines:

- for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at Tarralla Kindergarten
- to ensure compliance with privacy legislation.

POLICY STATEMENT

1. VALUES

Tarralla Kindergarten is committed to:

- responsible and secure collection and handling of personal information
- protecting the privacy of each individual's personal information
- ensuring individuals are fully informed regarding the collection, storage, use, disclosure and disposal of their personal information, and *their* access to that information.

2. SCOPE

This policy applies to the Approved Provider or Persons with Management or Control, Nominated Supervisor, Persons in Day to Day Charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Tarralla Kindergarten.

3. BACKGROUND AND LEGISLATION

Background

Early childhood services are obligated by law, service agreements and licensing requirements to comply with the privacy and health records legislation when collecting personal and health information about individuals.

The *Health Records Act 2001* (Part 1, 7.1) and the *Privacy and Data Protection Act 2014 (Vic)* (Part 1, 6 (1)) include a clause that overrides the requirements of these Acts if they conflict with other Acts or Regulations already in place. For example, if there is a requirement under the *Education and Care Services National Law Act 2010* or the *Education and Care Services National Regulations 2011* that is inconsistent with the requirements of the privacy legislation, services are required to abide by the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011.*

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Associations Incorporation Reform Act 2012 (*Vic*)*
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*: Regulations 181, 183
- *Freedom of Information Act 1982 (*Vic*)*
- *Health Records Act 2001* (Vic)
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
  - Standard 7.3: Administrative systems enable the effective management of a quality service

- *Privacy and Data Protection Act 2014* (Vic)
- *Privacy Act 1988* (Cth)
- *Privacy Amendment (Enhancing Privacy Protection)Act 2012* (Cth)
- *Privacy Regulations 2013 (*Cth*)*
- *Public Records Act 1973* (Vic)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: http://www.legislation.vic.gov.au/
- Commonwealth Legislation – ComLaw: http://www.comlaw.gov.au/

4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

***Freedom of Information Act 1982*:** Legislation regarding access and correction of information requests.

Health information: Any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.

***Health Records Act 2001*:** State legislation that regulates the management and privacy of health information handled by public and private sector bodies in Victoria.

Identifier/Unique identifier: A symbol or code (usually a number) assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding use of the person's name.

Personal information: Recorded information (including images) or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained.

Privacy and Data Protection Act 2014: State legislation that provides for responsible collection and handling of personal information in the Victorian public sector, including some organisations, such as early childhood services contracted to provide services for government. It provides remedies for interferences with the information privacy of an individual and establishes the Commissioner for Privacy and Data Protection.

***Privacy Act 1988*:** Commonwealth legislation that operates alongside state or territory Acts and makes provision for the collection, holding, use, correction, disclosure or transfer of personal information. The Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) introduced from 12 March 2014 has made extensive amendments to the Privacy Act 1988. Organisations with a turnover of $3 million per annum or more must comply with these regulations.

Privacy breach: An act or practice that interferes with the privacy of an individual by being contrary to, or inconsistent with, one or more of the information Privacy Principles (refer to Attachment 2: *Privacy principles in action*) or the new Australian Privacy Principles (Attachment 4) or any relevant code of practice.

***Public Records Act 1973* (Vic):** Legislation regarding the management of public sector documents.

Sensitive information: Information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record. This is also considered to be personal information.

5. SOURCES AND RELATED POLICIES

Sources

- *Child Care Service Handbook 2017-18*
  http://docs.education.gov.au/documents/child-care-service-handbook
- Guidelines to the Information Privacy Principles:
  http://www.oaic.gov.au/privacy/privacy-act/information-privacy-principles
- ELAA *Early Childhood Management Manual, www.elaa.org.au*
- Office of the Health Complaints Commissioner: https://hcc.vic.gov.au/
- Privacy Compliance Manual: http://www.nfplaw.org.au/privacy
- Australia Not-for-profit Law Guide (2017) *Privacy Guide: A guide to compliance with privacy laws in Australia:* https://www.nfplaw.org.au/sites/default/files/media/Privacy_Guide_0_0_0.pdf
- Office of the Victorian Information Commissioner: https://ovic.vic.gov.au/

Service policies

- *Child Safe Environment Policy*
- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Delivery and Collection of Children Policy*
- *Enrolment and Orientation Policy*
- *Information Technology Policy*
- *Staffing Policy*
- *Inclusion and Equity Policy*

PROCEDURES

The Approved Provider and Persons with Management and Control is responsible for:

- ensuring all records and documents are maintained and stored in accordance with Regulations 181 and 183 of the *Education and Care Services National Regulations 2011*
- ensuring the service complies with the requirements of the Privacy Principles as outlined in the *Health Records Act 2001*, the *Privacy and Data Protection Act 2014* (Vic) and, where applicable, the *Privacy Act 1988* (Cth) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), by developing, reviewing and implementing processes and practices that identify:
  - what information the service collects about individuals, and the source of the information
  - why and how the service collects, uses and discloses the information
  - who will have access to the information
  - risks in relation to the collection, storage, use, disclosure or disposal of and access to personal and health information collected by the service
- ensuring parents/guardians know why the information is being collected and how it will be managed
- providing adequate and appropriate secure storage for personal information collected by the service, including electronic storage
- developing procedures that will protect personal information from unauthorised access
- ensuring the appropriate use of images of children, including being aware of cultural sensitivities and the need for some images to be treated with special care
- developing procedures to monitor compliance with the requirements of this policy
- ensuring all employees and volunteers are provided with access to a copy of this policy, including the *Privacy Statement* of the service (refer to Attachment 4)

- ensuring all parents/guardians are provided access to the service's *Privacy Statement* (refer to Attachment 4) and all relevant forms
- informing parents/guardians that a copy of the complete policy is available on request
- ensuring a copy of this policy, including the *Privacy Statement*, is prominently displayed at the service and available on request
- establishing procedures to be implemented if parents/guardians request that their child's image is *not* to be taken, published or recorded, or when a child requests that their photo *not* be taken
- develop a process to respond to a privacy breach in line with privacy principles (see sources)

The Nominated Supervisor or Persons in Day to Day Charge is responsible for:

- assisting the Approved Provider to implement this policy
- reading and acknowledging they have read the *Privacy and Confidentiality Policy*
- providing notice to children and parents/guardians when photos/video recordings are going to be taken at the service
- ensuring educators and all staff are provided with a copy of the *Privacy and Confidentiality Policy* and that they acknowledge they have read the policy
- obtaining informed and voluntary consent of the parents/guardians of children who will be photographed or videoed.

Educators and other staff are responsible for:

- reading and acknowledging they have read the *Privacy and Confidentiality Policy*
- recording information on children, which must be kept secure and may be requested and viewed by the child's parents/guardians and representatives of the Department of Education and Training during an inspection visit
- ensuring they are aware of their responsibilities in relation to the collection, storage, use, disclosure and disposal of personal and health information
- implementing the requirements for the handling of personal and health information, as set out in this policy
- respecting parents' choices about their child being photographed or videoed, and children's choices about being photographed or videoed.

Parents/guardians are responsible for:

- providing accurate information when requested
- maintaining the privacy of any personal or health information provided to them about other individuals, such as contact details
- completing all permission forms and returning them to the service in a timely manner
- being sensitive and respectful to other parent/guardians who do not want their child to be photographed or videoed
- being sensitive and respectful of the privacy of other children and families in photographs/videos when using and disposing of these photographs/videos.

Volunteers and students, while at the service, are responsible for following this policy and its procedures.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider of Tarralla Kindergarten will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice

- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

- Attachment 1: Additional background information
- Attachment 2: Privacy Principles in action
- Attachment 3: *Privacy Statement*
- Attachment 4: Australian Privacy Principles

AUTHORISATION

This policy was adopted by the Approved Provider of Tarralla Kindergarten on 23 April 2020.

REVIEW DATE: 23 APRIL 2022

ATTACHMENT 1
Additional background information

Early childhood services must ensure that their processes for the collection, storage, use, disclosure and disposal of personal and health information meet the requirements of the appropriate privacy legislation and the *Health Records Act 2001.*

The following are examples of practices impacted by the privacy legislation:

- *Enrolment records:* Regulations 160, 161 and 162 of the *Education and Care Services National Regulations 2011* detail the information that must be kept on a child's enrolment record, including personal details about the child and the child's family, parenting orders and medical conditions. This information is regarded as sensitive information (refer to *Definitions*) and must be stored securely and disposed of appropriately.
- *Attendance records:* Regulation 158 of the *Education and Care Services National Regulations 2011* requires details of the date, child's full name, times of arrival and departure, and signature of the person delivering and collecting the child or the Nominated Supervisor/educator, to be recorded in an attendance record kept at the service. Contact details may be kept in a sealed envelope at the back of the attendance record or separate folder for evacuation/emergency purposes.
- *Medication records and incident, injury, trauma and illness records:* Regulations 87 and 92 of the *Education and Care Services National Regulations 2011* require the Approved Provider of a service to maintain incident, injury, trauma and illness records, and medication records which contain personal and medical information about the child.
- *Handling and storage of information:* Limited space can often be an issue in early childhood service environments, and both authorised employees and the Approved Provider need access to secure storage for personal and health information. Documents might be required to be stored off the service premises. Wherever confidential information is stored, it is important that it is not accessible to unauthorised staff or other persons. When confidential information is required to be taken off-site (e.g. on excursions, a list of children with medical conditions and contact numbers will be required), consideration must be given to how this is transported and stored securely.
- *Computerised records:* It is important that computerised records containing personal or health information are stored securely, and can only be accessed by authorised personnel with a password. Services need to incorporate risk management measures to ensure that passwords are recorded and stored in a secure place at the service, and to limit access to the information only to other authorised persons (refer to the *Information Technology Policy*).
- *Forms:* Enrolment forms and any other forms used to collect personal or health information should have the service's *Privacy Statement* (refer to Attachment 3) attached.
- *Collecting information for which there is no immediate use:* A service should only collect the information it needs and for which it has a specific purpose. Services should not collect information that has no immediate use, even though it may be useful in the future.

ATTACHMENT 2
Privacy Principles[1] in action

1. Collection processes (Privacy Principle 1)

1.1 Type of personal and health information to be collected

The service will only collect the information needed, and for which there is a purpose that is legitimate and related to the service's functions, activities and/or obligations.

The type of information collected and held includes (but is not limited to) personal information, including health information, regarding:

- children and parents/guardians prior to and during the child's attendance at a service (this information is collected in order to provide and/or administer services to children and parents/guardians)
- job applicants, employees, members, volunteers and contractors (this information is collected in order to manage the relationship and fulfil the service's legal obligations)
- contact details of other parties that the service deals with.

The service will collect information on the following identifiers (refer to *Definitions*):

- information required to access the *Kindergarten Fee Subsidy* for eligible families (refer to *Fees Policy*)
- tax file number for all employees, to assist with the deduction and forwarding of tax to the Australian Tax Office – failure to provide this would result in maximum tax being deducted
- *For childcare services only:* Customer Reference Number *(CRN) for children attending childcare services to enable the family to access the Commonwealth Government's* Child Care Benefit *(CCB) – failure to provide this would result in parents/guardians not obtaining the benefit.*

1.2 Collection of personal and health information

Personal information about individuals, either in relation to themselves or their children enrolled at the service, will generally be collected via forms filled out by parents/guardians. Other information may be collected from job applications, face-to-face interviews and telephone calls. Individuals from whom personal information is collected will be provided with a copy of the service's *Privacy Statement* (Attachment 3).

When the service receives personal information from a source other than directly from the individual or the parents/guardians of the child concerned, the person receiving the information will notify the individual or the parents/guardians of the child to whom the information relates of receipt of this information. The service will advise that individual of their right to request access to this information.

Access will be granted in accordance with the relevant legislation. Please note that the legislation allows the service to deny access in accordance with the limited reasons for denial that are contained in the legislation (refer to Privacy Principle 6.1).

1.3 Anonymity (Privacy Principle 8)

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

[1] *Privacy and Data Protection Act 2014 (Vic)*

2. Use and disclosure of personal information (Privacy Principle 2)

2.1 Use of information

The service will use personal information collected for the primary purpose of collection (refer to the table below). The service may also use this information for any secondary purposes directly related to the primary purpose of collection, to which the individual has consented, or could reasonably be expected to consent. The following table identifies the personal information that will be collected by the service, the primary purpose for its collection and some examples of how this information will be used.

Personal and health information collected in relation to:	**Primary purpose of collection:**	**Examples of how the service will use personal and health, (including sensitive) information include:**
Children and parents/guardians	• To enable the service to provide for the education and care of the child attending the service • To promote the service	• Day-to-day administration and delivery of service • Provision of a place for their child in the service • Duty rosters • Looking after children's educational, care and safety needs • 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 • Visual displays in the service • Newsletters • Promoting the service through external media, including the service's website
The Approved Provider if an individual, or members of the Committee of Management/Board if the Approved Provider is an organisation	• For the management of the service	• For communication with, and between, the Approved Provider, other Committee/Board members, employees and members of the association • To satisfy the service's legal obligations
Job applicants, employees, contractors, volunteers and students	• To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be • To administer the employment, contract or placement	• Administering the individual's employment, contract or placement, as the case may be • Ensuring the health and safety of the individual • Insurance • Promoting the service through external media, including the service's website

2.2 Disclosure of personal information, including health information

The service may disclose some personal information held about an individual to:

- government departments or agencies, as part of its legal and funding obligations
- local government authorities, in relation to enrolment details for planning purposes
- organisations providing services related to staff entitlements and employment
- insurance providers, in relation to specific claims or for obtaining cover
- law enforcement agencies
- health organisations and/or families 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.

2.3 Disclosure of sensitive information (Privacy Principle 10)

Sensitive information (refer to *Definitions*) 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 where the use or disclosure of this sensitive information is allowed by law.

3. Storage and security of personal information (Privacy Principle 4)

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

- access will be limited to authorised staff, the Approved Provider or other individuals who require this information in order to fulfil their responsibilities and duties
- information will not be left in areas that allow unauthorised access to that information
- all materials will be physically stored in a secure cabinet or area
- computerised records containing personal or health information will be stored safely and secured with a password for access
- there is security in transmission of the information via email, fax or telephone, as detailed below:
    - emails will only be sent to a person authorised to receive the information
    - faxes will only be sent to a secure fax, which does not allow unauthorised access
    - telephone – limited and necessary 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 parents/guardians.

4. Data quality (Privacy Principle 3)

The service will endeavour to ensure that the personal information it holds is accurate, complete, up to date and relevant to its functions and/or activities.

5. Disposal of information

Personal information will not be stored any longer than necessary.

In disposing of personal information, those with authorised access to the information will ensure that it is either shredded or destroyed in such a way that the information is no longer accessible.

6. Access to personal information (Privacy Principle 6)

6.1 Access to information and updating personal information

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

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

- **request** access to personal information that the service holds about them
- access this information
- make corrections if they consider the data is not accurate, complete or up to date.

There are some exceptions set out in the *Privacy and Data Protection Act 2014*, where access may be denied in part or in total. Examples of some exemptions are 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.

6.2 Process for considering access requests

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

- if it relates to their child, by contacting the Nominated Supervisor
- for all other requests, by contacting the Approved Provider/secretary.

Personal information may be accessed in the following way:

- view and inspect the information
- take notes
- obtain a copy.

Individuals requiring access to, or updating of, personal information should nominate the type of access required and specify, if possible, what information is required. The Approved Provider will endeavour to respond to this request within 45 days of receiving the request.

The Approved Provider and employees will provide access in line with the privacy legislation. If the requested information cannot be provided, the reasons for denying access will be given in writing to the person requesting the information.

In accordance with the legislation, the service reserves the right to charge for information provided in order to cover the costs involved in providing that information.

The privacy legislation also provides an individual about whom information is held by the service, the right to request the correction of information that is held. The service will respond to the request within 45 days of receiving the request for correction. If the individual is able to establish to the service's satisfaction that the information held is incorrect, the service will endeavour to correct the information.

ATTACHMENT 4
Privacy Statement

Privacy and Information Collection Statement

We believe your privacy is important.

Tarralla Kindergarten has developed a *Privacy and Confidentiality Policy* that illustrates how we collect, use, disclose, manage and transfer personal information, including health information. This policy is available on request.

To ensure ongoing funding and licensing, our service is required to comply with the requirements of privacy legislation in relation to the collection and use of personal information. If we need to collect health information, our procedures are subject to the *Health Records Act 2001*.

Purpose for which information is collected

The reasons for which we generally collect personal information are given in the table below.

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 • To manage and administer the service as required
The Approved Provider if an individual, or members of the Committee of Management/Board if the Approved Provider is an organisation	• For the management of the service • To comply with relevant legislation requirements
Job applicants, employees, contractors, volunteers and students	• To assess and (if necessary) to engage employees, contractors, volunteers or students • To administer the individual's employment, contracts or placement of students and volunteers

Please note that under relevant privacy legislation, other uses and disclosures of personal information may be permitted, as set out in that legislation.

Disclosure of personal information, including health information

Some personal information, including health information, held about an individual may be disclosed to:

- government departments or agencies, as part of our legal and funding obligations
- local government authorities, for planning purposes
- organisations providing services related to employee entitlements and employment

- insurance providers, in relation to specific claims or for obtaining cover
- law enforcement agencies
- health organisations and/or families in circumstances where the person requires urgent medical assistance and is incapable of giving permission
- anyone to whom the individual authorises us to disclose information.

Laws that require us to collect specific information

The *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, *Associations Incorporation Reform Act 2012 (Vic)* and employment-related laws and agreements require us to collect specific information about individuals from time-to-time. Failure to provide the required information could affect:

- a child's enrolment at the service
- a person's employment with the service
- the ability to function as an incorporated association.

Access to information

Individuals about 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 and Confidentiality Policy*, which is available on request.

For information on the *Privacy and Confidentiality Policy*, please refer to the copy available at the service or contact the Approved Provider/Nominated Supervisor.

ATTACHMENT 4
Australian Privacy Principles

The commonwealth government made extensive amendments to the Privacy Act 1988 (Cth) with effect from 12 March 2014. Under these changes, organisations with an annual turnover greater than $ 3 million are required to comply with 13 new Australian Privacy Principles (APPs), which replace the current National Privacy Principles (NPPs). (*ELAA advises services to seek specific advice from a legal professional about whether their organisation needs to comply with the Australian Privacy Principles)*

From 12 March 2014, the APPs will apply to all existing and future collections of personal information. This means, that all existing arrangements for collecting, and handling personal information in services to which the old NPPs applied must be reviewed by services to ensure they comply with the new APPs.

Collection processes

Type of personal and health information to be collected

The service will only collect the information needed, and for which there is a legitimate purpose related to the service's functions and/or legislative, regulatory or funding obligations.

The type of information collected and held by the service includes (but is not limited to) personal information, including health information, regarding:

- children and parents/guardians prior to and during the child's attendance at the service (this information is collected in order to provide and/or administer services to children and parents/guardians)
- job applicants, employees, members, volunteers and contractors (this information is collected in order to manage the relationship and fulfil the service's legal obligations)
- contact details of other parties that the service deals with

The service will collect information on the following identifiers (refer to *Definitions*):

- information required to access the *Kindergarten Fee Subsidy* for eligible families (refer to *Fees Policy*)
- tax file number for all employees, to assist with the deduction and forwarding of tax to the Australian Tax Office – failure to provide this would result in maximum tax being deducted
- for childcare services only: Customer Reference Number (CRN) for children attending childcare services to enable the family to access the Commonwealth Government's Child Care Benefit (CCB) – failure to provide this would result in parents/guardians not obtaining the benefit.

The service will not use these government related identifiers as its own identifier of the individual unless it is required or authorised by law or a court order.

Method of collecting personal and health information

Personal and health information about individuals, either in relation to themselves or their children enrolled at the service, will generally be collected directly via forms filled out by parents/guardians. Other information may be collected from job applications, face-to-face interviews and telephone calls. Individuals from whom personal information is collected will be provided with a copy of the service's *Privacy Statement* (Attachment 3).

When the service receives personal information about an individual in relation to themselves or children enrolled at the service from a source other than directly from the individual or the parents/guardians of the child concerned, the person receiving the information will notify the individual, or the parents/guardians of the child to whom the information relates, of receipt of this

information. The service will advise that individual of their right to request access to this information. Access will be granted in accordance with the relevant legislation.

When the service receives unsolicited personal information about an individual, it will destroy the information if it is of the view that it could not have collected the information about the individual under the APP if it had solicited the information.

Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or using a pseudonym when entering into transactions with Tarralla Kindergarten.

Use and disclosure of personal information

Use of information

The service will use personal information collected for the primary purpose of collection (refer to the table below). The service may also use this information for any secondary purposes directly related to the primary purpose of collection, to which the individual has consented, or could reasonably be expected to consent.

The following table identifies the personal information that will be collected by the service, the primary purpose for its collection and some examples of how this information will be used.

Personal and health information collected in relation to:	**Primary purpose of collection:**	**Examples of how the service will use personal and health, (including sensitive) information include:**
Children and parents/guardians	• To enable the service to provide for the education and care of the child attending the service • To promote the service	• Day-to-day administration and delivery of service • Provision of a place for their child in the service • Duty rosters • Looking after children's educational, care and safety needs • 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 • Visual displays in the service • Newsletters • Promoting the service through external media, including the service's website
The Approved Provider if an individual, or members of the Committee of Management/Board if the Approved Provider is an organisation	• For the management of the service	• For communication with, and between, the Approved Provider, other Committee/Board members, employees and members of the association • To satisfy the service's legal obligations

Personal and health information collected in relation to:	Primary purpose of collection:	Examples of how the service will use personal and health, (including sensitive) information include:
Job applicants, employees, contractors, volunteers and students	• To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be • To administer the employment, contract or placement	• Administering the individual's employment, contract or placement, as the case may be • Ensuring the health and safety of the individual • Insurance • Promoting the service through external media, including the service's website

Disclosure of personal information, including health information

The service may disclose some personal information held about an individual to:

- educators at the service for the purpose of providing care and education to the child, and other related on and off site activities such as excursions etc.
- government departments or agencies, as part of its legal and funding obligations
- local government authorities, in relation to enrolment details for planning purposes
- organisations providing services related to staff entitlements and employment
- insurance providers, in relation to specific claims or for obtaining cover
- law enforcement agencies
- health organisations and/or families 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.

Individuals aggrieved about the use of personal information collected by the service or concerned about the breach of the Australian Privacy Principles that applies to the service may complain to the service through its complaints processes (Refer to *Complaints and Grievances Policy)*

Disclosure of sensitive information (Privacy Principle 10)

The service will only collect sensitive information about an individual with the individual's consent, and only if it is reasonably necessary for the provision of the service to children or their families. Sensitive information (refer to *Definitions*) 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 where the use or disclosure of this sensitive information is allowed by law.

Data quality

The service will take reasonable steps to ensure that the personal information it collects, uses and/or discloses is accurate, up-to-date, relevant and complete.

Integrity, storage and security of personal information

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

- access will be limited to authorised staff, the Approved Provider or other individuals who require this information in order to fulfil their responsibilities and duties
- information will not be left in areas that allow unauthorised access to that information
- all materials will be physically stored in a secure cabinet or area
- computerised records containing personal or health information will be stored safely and secured with a password for access

- there is security in transmission of the information via email, fax or telephone, as detailed below:
  - emails will only be sent to a person authorised to receive the information
  - faxes will only be sent to a secure fax, which does not allow unauthorised access
  - telephone – limited and necessary 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 parents/guardians, and the service will ensure that it will take reasonable steps to ensure that the overseas or interstate recipient does not breach the APPs in relation to the information.

Disposal of information

Personal information will not be stored any longer than necessary.

In disposing of personal information, those with authorised access to the information will ensure that it is either shredded or destroyed in such a way that the information is no longer accessible.

Access to personal information

Access to information and updating personal information

Individuals have the right to ask for access to personal information the service holds about them without providing a reason for requesting access. An individual has the right to:

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

The service can refuse access to personal information under the following circumstances:

- giving access would be unlawful, or prejudice any enforcement related activities conducted by or on behalf of an enforcement body
- denying access is required or authorised by or under an Australian law or a court/tribunal order
- 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 against an individual and providing access would prejudice that process or outcome
- the information relates to existing or anticipated legal proceedings between the service and the individual and would not be accessible by the process of discovery in those proceedings
- giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations
- giving access would reveal commercially sensitive information about the service, or information in relation to a commercially sensitive decision making process.

Process for considering access requests

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

- if it relates to their child, by contacting the Nominated Supervisor
- for all other requests, by contacting the Approved Provider/secretary.

Personal information may be accessed in the following way:

- view and inspect the information
- take notes
- obtain a copy.

Individuals requiring access to, or updating of, personal information should nominate the type of access required and specify, if possible, what information is required. The Approved Provider will endeavour to respond to this request within 45 days of receiving the request.

The Approved Provider and employees will provide access in line with the privacy legislation. If the requested information cannot be provided, the reasons for denying access will be given in writing to the person requesting the information.

In accordance with the legislation, the service reserves the right to charge for information provided in order to cover the costs involved in providing that information.

The privacy legislation also provides an individual, about whom information is held by the service, the right to request the correction of information that is held. The service will respond to the request within 45 days of receiving the request for correction. If the individual is able to establish to the service's satisfaction that the information held is incorrect, having regard to the purpose for which it is held, the service will endeavour to correct the information. The service will notify any other entity to which it has provided that information in accordance with the legislation, of the correction.