

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 Highvale Preschool
- to ensure compliance with privacy legislation.

VALUES

Highvale Preschool 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.

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Service Supervisors, educators, other staff, students on placement and volunteers at Highvale Preschool.

BACKGROUND AND LEGISLATION

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.

Relevant legislation and standards include but are not limited to:

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*: Regulations 181, 183
- *Freedom of Information Act 1982*
- *Health Records Act 2001 (Vic)*
- *Information Privacy Act 2000 (Vic)*
- *National Quality Standard, Quality Area 7: Leadership and Service Management*
- *Privacy Act 1988 (Cth)*
- *Public Records Act 1973 (Vic)*

PROCEDURES

THE APPROVED PROVIDER IS RESPONSIBLE FOR:

- Ensuring all records and documents are maintained and stored in accordance with Regulations of the *Education and Care Services National Regulations 2011*
- Ensuring the preschool complies with the requirements of the Privacy Principles as outlined in the *Health Records Act 2001*, the *Information Privacy Act 2000* and, where applicable, the *Privacy Act 1988*
- 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
- 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

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



- Ensuring all employees, all parents/guardians and volunteers are provided with a copy of the Privacy Statement and informed of full policy availability on website (refer to Attachment 1)
- Ensuring a copy of this policy, including the *Privacy Statement*, is prominently displayed at the service in Highvale's Policy Folder and is available on request
- Establishing procedures to be implemented if parents/guardians request that their child's image is *not* be taken, published or recorded, or when a child requests that their photo *not* be taken.

THE NOMINATED SUPERVISOR IS RESPONSIBLE FOR:

- Assisting the Approved Provider to implement this policy
- Reading and acknowledging they have read the *Privacy and Confidentiality Policy* (refer to Attachment 3)
- Ensuring educators and all staff are provided a copy of this policy and that they complete the *Letter of acknowledgement and understanding* (Attachment 2)
- Obtaining informed and voluntary consent of the parents/guardians of children who will be photographed or videoed to be applicable for the entire duration of the year.

SERVICE SUPERVISORS AND OTHER EDUCATORS/STAFF ARE RESPONSIBLE FOR:

- Reading and acknowledging they have read the *Privacy and Confidentiality Policy* (refer to Attachment 2)
- Recording information on children, which must be kept secure and may be requested and viewed by the child's parents/guardians and representatives of DET 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.

ALL 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 PROCEDURE

EVALUATION:

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider 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 preschool'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: Privacy Statement

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



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- Attachment 2: *Letter of acknowledgment and understanding*
 - Attachment 3: Permission form for photographs and videos

AUTHORISATION:

Adopted by Highvale Preschool Association Inc. 9th August 2016 and will take effect from 24th August, 2016

REVIEW DATE: July 2018

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



ATTACHMENT 1

Privacy Statement

Highvale Preschool has a Privacy and Confidentiality Policy that covers how the information we have collected from you is used. We encourage you to go to our website: www.highvalekinder.org.au to view the policy in full.

To ensure ongoing funding and service approval, Highvale Preschool is required to comply with the requirements of privacy legislation in relation to the collection and use of personal information. Any health related information is subject to the Health Records Act 2001.

The below table is a general guide on the reasons for which we collect this information.

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	<ul style="list-style-type: none"> • To enable the service to provide for the education and care of the child attending the service • To promote the service (refer to Attachments 5 and 6 for permission forms – photographs and videos) 	<ul style="list-style-type: none"> • 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
Committee members	<ul style="list-style-type: none"> • For the management of the service 	<ul style="list-style-type: none"> • For communication with and between committee members, employees and members of the association • To satisfy the preschool’s legal obligations
Job applicants, employees, contractors, volunteers and students	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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

Note: Other disclosures and uses of personal information may be permitted as set out under relevant privacy legislation

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



Information, both personal and health, may be disclosed to an individual if required by the following:

- Government departments or agencies, as part of our legal and funding obligations
- Local government, for planning purposes
- Organisations providing services related in employee entitlements and employment
- In relations to a specific claim or cover, an insurance provider
- Law enforcement agencies
- Health organisations and or families in circumstances where the person requires urgent medical assistance and in unable to give permission
- Anyone to whom the individual authorises us to disclose information to.

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



ATTACHMENT 3

Letter of acknowledgement and understanding

[PLACE ON PRESCHOOL LETTERHEAD]

Dear **[Insert Name]**,

Re: *Privacy and Confidentiality Policy*

Please find attached the Highvale Preschool *Privacy and Confidentiality Policy*, which outlines how the preschool will meet the requirements of the *Victorian Health Records Act 2001* and the *Victorian Privacy Act 2000* (or where applicable, the *Privacy Act 1988*) in relation to both personal and health information.

Employees have an important role in assisting the service to comply with the requirements of the privacy legislation by ensuring they understand and implement the Highvale Preschool *Privacy and Confidentiality Policy*. Therefore, all employees are required to read this policy and complete the attached acknowledgement form.

Please return the completed form by **[Date]**.

Yours sincerely,

[insert staff member name]

[insert staff member role]

(on behalf of the Approved Provider)

Please note: this form will be kept with your individual staff record.

Highvale Preschool

Acknowledgement of reading the *Privacy and Confidentiality Policy*

I, _____, have received and read the service's *Privacy and Confidentiality Policy*.

Signature: _____

Date: _____

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



ATTACHMENT 3

Dear Parents,

Please read the following letter of acknowledgement and sign at the end.

Background information

Photographs and videos are now classified as ‘personal information’ under the *Information Privacy Act 2000*. The purpose of this permission form is to: Comply with the privacy legislation in relation to all photographs/videos taken at the preschool, whether by the Approved Provider, Nominated Supervisor, Centre Supervisor, educators, staff, parents/guardians, volunteers or students on placement, enable photographs/videos of children to be taken as part of the program delivered by the service, whether group photos, videos or photos at special events and excursions etc. , notify parents/guardians as to who will be permitted to take photographs/videos, where these will be taken and how they will be used.

Permission for photographs and videos

Background information

Photographs and videos are now classified as ‘personal information’ under the *Information Privacy Act 2000*. The purpose of this permission form is to: Comply with the privacy legislation in relation to all photographs/videos taken at the preschool, whether by the Approved Provider, Nominated Supervisor, Service Supervisor, educators, staff, parents/guardians, volunteers or students on placement, enable photographs/videos of children to be taken as part of the program delivered by the service, whether group photos, videos or photos at special events and excursions etc. , notify parents/guardians as to who will be permitted to take photographs/videos, where these will be taken and how they will be used.

Photographs/videos taken by staff

Staff at the service may take photographs/videos of children as part of the program. These may be displayed at the preschool, on the preschool’s website or placed in the service’s publications or promotional material to promote the preschool, or for any other purpose aligned to the service’s business operations. Some staff may use learning journals in which photographs are included. When the photographs/videos are no longer being used, the service will destroy them if they are no longer required, or otherwise store them securely at the service. It is important to note that while the preschool can nominate the use and disposal of photographs they organise, the service has no control over those photographs taken by parents/guardians of children attending the service program or activity.

Group photographs/videos taken by parents/guardians

Parents/guardians may take group photographs/videos of their own child/children at special service events such as birthdays, excursions and other activities. Parents must ensure that where the photographs/videos include other children at the preschool they are sensitive to and respectful of the privacy of those children and families in using and disposing of the photographs/videos.

Photographs taken by a photographer engaged by the service

A photographer may be engaged by the preschool to take individual and/or group photographs of children. Information will be provided in written form or email to parents/guardians prior to the event, and will include the date and the photographer’s details.

Photographs/videos for use in newspapers, Highvale Preschool’s website and other external publications

Photographs may be taken of children to appear in any newspaper/media or external publication, including the service’s newsletter, publications and website.

Photographs/videos taken by students on placement

Students at the preschool may take photographs/videos of children as part of their placement requirements.

PRIVACY AND CONFIDENTIALITY POLICY

MANDATORY – QUALITY AREA 7



Access to photographs/videos

Access to any photographs or videos, like other personal information, is set out in the preschool's *Privacy and Confidentiality Policy*, which is displayed at the preschool, on our website and available on request.

Code of Conduct Acknowledgement

I hereby acknowledge that I received a copy of the Code of Conduct Statement for Highvale Preschool and have read the full Code of Conduct Policy on the Highvale Preschool website: www.highvalekinder.org.au

I have read the Code of Conduct Policy, I understand its contents, and I agree to abide by the principles, practices and consequences set out within.

I understand that the Approved Provider will address any breach of this policy, and that any serious breach could lead to the withdrawal of my child/ren's place at Highvale Preschool or my freedom to be in attendance at Highvale Preschool. Any serious breach could also lead to legal or disciplinary action.

I have read the Privacy and Confidentiality Policy, I understand its contents and I agree to abide by the principles, practices and consequences set out within.

I understand that a signed copy of this acknowledgement will be kept on file while my child/ren remain at the preschool or while I am involved with the preschool, and will be disposed of at the end

Confirmation of consent and Agreement

I consent / do not consent to the arrangements for the use of photographs and/or videos, as stated in this permission form for the entire duration of the year my child is enrolled at Highvale Preschool this time.

I have read the Privacy and Confidentiality Policy, I understand its contents and I agree to abide by the principles, practices and consequences set out within.

Parent's/guardian's name: _____ Child's name: _____

Signature (parent/guardian): _____ Date: _____