



## Privacy and confidentiality Procedure

NSW Family Day Care Association (NSWFDCA) and the In Home Care Support Agencies (NSW and SA) recognise and respects the importance of individual's privacy and confidentiality.

We require personal information from families, Family Day Care and In Home Care service providers, educators and staff to provide appropriate resourcing and support to service providers. This policy has been developed to comply with the Australian Privacy Principles (APPs) (2014) to protect and preserve privacy and confidentiality.

We also have this procedure because of our obligations under the Privacy Act 1988 (Privacy Act) including the Australian Privacy Principles.

### What do we want to do?

We will:

- maintain private and confidential files for educators and staff, children, families and service providers. We will develop ways of using, storing and disposing of records that are appropriate.
- ensure the information in family files is used only for the education and care of the child enrolled with In Home Care service providers, and only shared with other people as defined within the In Home Care Guidelines.

### How will we do it?

NSWFDCA and the In Home Care Support Agencies (NSW and SA) aim to meet these goals through the adoption of this specific Privacy and Confidentiality procedure and our Privacy Collection statement which will guide what we do.

### Legislation that impacts this procedure

- Jobs for Families Package 2017 including Minister's Rules and Secretary's Rules.
- Privacy Act 1988 (Privacy Act) – [www.oaic.gov.au/law/act](http://www.oaic.gov.au/law/act)
- In Home Care Guidelines and Handbook

## Who does what?

CEO	Will ensure that:
	<ul style="list-style-type: none"> <li>▪ each family, staff and service provider is given a privacy collection statement when they first engage with us, that also lets them know how they can access their personal information, have this corrected as needed and make a complaint about a breach of privacy, if one occurs.</li> <li>▪ the information for each staff member, committee member and service provider is correct in personnel and other files. This includes information on qualifications, WWCC, criminal history checks, staff entitlements, contact and emergency information, health and immunisation information, any medical and legal information and any other relevant information collected by us.</li> <li>▪ information collected from families, educators, committee members, service providers and the community is always kept in a private and confidential manner,</li> <li>▪ such information is not communicated (directly or indirectly) to another person other than the ways:             <ul style="list-style-type: none"> <li>○ To the extent necessary for the education, care or medical treatment of the child;</li> <li>○ To the parent or guardian of the child to whom the information relates (except for information in staff records);</li> <li>○ To the Department of Education;</li> <li>○ As authorised, permitted or required to be given by any act or law; and</li> <li>○ With written consent of the person who gave the information.</li> </ul> </li> <li>▪ families are given information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. People can make a complaint to NSWFDCA or the In Home Care Support Agencies (NSW and SA) if they believe there has been a breach of their privacy in relation to the Privacy principles. The breach will be assessed by the NSWFDCA Board within 14 days. Where the information collected is incorrect, it will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between NSWFDCA and the individual to resolve the situation, in line with the Complaints and Feedback procedure.</li> <li>▪ information provided by families, staff and committee members is only used for the purpose it was collected for.</li> <li>▪ changes in privacy legislation are monitored for reviewing this policy.</li> </ul>

Manager	Will:
	<ul style="list-style-type: none"> <li>▪ ensure each families' information is correct in In Home Care enrolment records. This includes information on contact details of families and emergency contact information, children's developmental records, Family Assistance information, and any medical or legal information – such as family court documentation - required by us to assess eligibility. This includes any information the service needs to record under the In Home Care Support Agency Guidelines, Family Assistance Law and any other relevant information collected to support the enrolment of a child.</li>   <li>▪ provide families with details on the collection of personal information: This information will include: <ul style="list-style-type: none"> <li>○ the types of information collected by the service;</li> <li>○ the purpose of collecting information;</li> <li>○ what types of information will be disclosed to government departments or agencies; and when and why disclosure may occur;</li> <li>○ how information is stored at the service;</li> <li>○ how this information is kept secure;</li> <li>○ who has access to the information;</li> <li>○ the right of families to view their personal information;</li> <li>○ the length of time information needs to be held for; and</li> <li>○ how information is disposed of.</li> </ul> </li>   <li>▪ ensure information provided by families and staff is only used for the purpose it was collected for.</li>   <li>▪ ensure that education and care service records, personnel records, CCS information and children's and families information is stored securely reducing the chance of unauthorised access, use or disclosure and that it remains private and confidential within the service at all times.</li>   <li>▪ ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than: <ul style="list-style-type: none"> <li>○ family (developmental information that is required to adequately provide education and care for each child).</li> <li>○ family support services that the family has agreed it can be shared with.</li> <li>○ the Australian Government Department of Education.</li> <li>○ Or as permitted or required by any Act or Law.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ allow people access to any of their personal information as requested. Individuals must request this information in writing from the CEO.</li> <li>▪ Information may be denied where: <ul style="list-style-type: none"> <li>○ access to information could compromise the privacy of another person;</li> <li>○ the request for information is frivolous or vexatious; and</li> <li>○ the information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianship.</li> </ul> </li> </ul>
<b>Staff</b>	<b>Will:</b>
	<ul style="list-style-type: none"> <li>▪ maintain children’s information and store documentation according to this policy at all times.</li> <li>▪ not share information about NSWFDCA, the In Home Care Support Agencies, other service providers, educators or children and families, without written permission or legislative authority.</li> <li>▪ respect the privacy rights of children enrolled and their families; educators and staff and their families and any other people associated with the service. This is in keeping with the Early Childhood Australia (ECA) Code of Ethics (2016), and the Privacy Legislation.</li> <li>▪ sign a Confidentiality Statement as it relates to privacy and confidentiality of information.</li> </ul>

## Sources

Information for this procedure was sourced from:

- Office of the Australian Information Commissioner – [www.oaic.gov.au](http://www.oaic.gov.au)
- Community Child Care Co-operative (NSW) Privacy and Confidentiality Policy (Review Date July 2016)
- Early Childhood Australia’s Code of Ethics – [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)
- In Home Care Draft Guidelines and Draft Handbook