

Title	Privacy and Confidentiality Policy
Policy Category	Governance
Policy Type	Mandatory
NQF Standard	NQS: Quality Area 7
Related Legislation	See legislation map

Background and Context

This policy will provide guidelines:

- for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at Glen Education
- to ensure compliance with privacy and data protection legislation
- to ensure compliance with the Notifiable Data Breach Scheme.

Glen Education believes privacy is important. Glen Education 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.

All Representatives (see Definition) will receive a copy of the Privacy and Confidentiality Policy before commencing paid and unpaid work and are required to comply with its intent and contents at all times. Representatives must acknowledge they have read, understood and agree to comply with the policy by signing the acknowledgement (see below) prior to commencing paid or unpaid work.

Scope

This policy applies to Glen Education management and the Board of Directors, Nominated Supervisors, Glen Education Leaders, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Glen Education

Definitions

In this Policy references to:

Freedom of Information Act 1982 (Vic): relates to legislation regarding access and correction of information requests.

Glen Education Leader: A person who is nominated by Glen Education Management to provide leadership and mentoring (operational and educational) across the organisation, that aligns with the National Early Years Framework and who actively promotes and ensures adherence to all Glen Education practices, policies and procedures.

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

Health Records Act 2001 (Vic): regulates the management and privacy of health information handled by public and private sector bodies in Victoria.

Identifier/Unique identifier: is 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

Individual: means any person associated with Glen Education, including children, parents/guardians, employees, volunteers and contractors.

Information: includes (but is not limited to) medical records, reports, personnel records, banking details, demographic information – and is held in various forms including (but is not limited to) paper files, third party applications and computerised databases. Information may be transmitted in many ways including by hand, by courier, or electronically via email or other systems.

Nominated Supervisor: A person who has been nominated by Glen Education under Part 3 of the Act and who has consented to that nomination in writing can be the Nominated Supervisor. All services must have a Nominated Supervisor(s) with responsibility for the service in accordance with the National Regulations (Section 5 and 161).

Notifiable Data Breach Scheme: was established by the Privacy Amendment (Notifiable Data Breaches) Act 2017 and applies to all agencies and organisations with existing personal information security obligations under the Privacy Act. The scheme includes an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. The notification must include recommendations about the steps individuals should take in response to the breach.

Personal information: includes 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 (Vic): provides for responsible collection and handling of personal information in the Victorian public sector, including 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 (Cth): 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 and Data Protection Act 2014 (Vic): provides for the regulation of information privacy, protective data security, and law enforcement data security.

Privacy breach: refers to 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 or the new Australian Privacy Principles or any relevant code of practice.

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

Representative: refers to paid staff, volunteers and contractors, including the Board of Directors, Volunteer PAG members and students on work experience placements.

Sensitive information: refers to 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.

Policy

Legislative Requirements

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*.

Responsibilities

Glen Education 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 compliance 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) and Notifiable Data Breach Scheme by developing, reviewing and implementing processes and practices that identify:
 - what information Glen Education is able to collect about individuals, and the source of the information why and how Glen Education 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 Glen Education
 - the different types of personal information received by Glen Education, such as:
 - sensitive information (includes information or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation or criminal record, provided the information or opinion otherwise meets the definition of personal information)
 - health information (which is also 'sensitive information')
 - credit information
 - employee record information (subject to exemptions), and
 - tax file number information.
- 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 Glen Education, 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 Representatives are provided with a copy of this policy

- ensuring all parents/guardians are provided with Glen Education’s Privacy Statement 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 each Glen Education 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
- ensuring all employees are provided with training regarding privacy and confidentiality obligations
- if any data breach is discovered then this is managed and reported as per the obligations defined by the relevant regulation and Glen Education’s policies and procedures.

The Nominated Supervisor/Glen Education Leader is responsible for:

- assisting Glen Education to implement this policy
- providing notice to children and parents/guardians when photos/video recordings are going to be taken at the Glen Education service and securing permission should their child be used in the images
- ensuring all employees, volunteers and contractors are provided a copy of this policy and that they complete the Glen Education Confidentiality Undertaking.
- assisting Glen Education to ensure employees are provided with training regarding privacy and confidentiality obligations.
- obtaining informed and voluntary consent of the parents/guardians of children who will be photographed or videoed.

All educators are responsible for:

- 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’/guardians’ choices about their child being photographed or videoed, and children’s choices about being photographed or videoed.

Volunteers, students and contractors:

- are responsible for following this policy at all times.

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 Glen Education 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.

Approvals and Revision

Date	Version	Author	Revision Description
<i>Q3 2012</i>	<i>1.00</i>	<i>Glen Education Management</i>	<i>New Policy</i>
<i>Q2 2022</i>	<i>7.00</i>	<i>Glen Education Management</i>	<i>Policy amended due to rebranding May 2022</i>