

## 7.19 PRIVACY & CONFIDENTIALITY – EDUCATORS

### Purpose Statement

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

The Health Records Act 2001 and the Privacy and Data Protection Act 2014 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.

Privacy and confidentiality are the rights of children, educators and staff.

### Scope

This policy applies to educators.

**NOTE: All Family Day Care staff employed by Windermere are governed by the organisation's Privacy policy.**

### Policy Statement

TO PROTECT THE PRIVACY, DIGNITY AND CONFIDENTIALITY OF INDIVIDUALS BY ENSURING THAT ALL RECORDS AND PERSONAL INFORMATION ABOUT CHILDREN, FAMILIES, EDUCATORS AND STAFF IS TREATED WITH DISCRETION AND KEPT IN A SECURE PLACE.

### Procedures – For Educators

#### *Educators Responsibilities*

1. To display a Privacy Statement (see attached).
2. To make *Privacy & Confidentiality – Children and Families* Policy available to all families.
3. To protect personal and health information by only sharing what is necessary with the relevant educator, Windermere personnel, parents/guardians, Department of Education and Training, attending medical practitioner and other authorities permitted by law.
4. To collect and store personal and health information securely by:
  - a. Communicating with parents/guardians and children in a private space
  - b. Not displaying information publicly
  - c. Recording and storing electronic information in a password protected format
  - d. Recording and storing hard copy information (ie children's files) in a lockable cabinet or locked room in the house
  - e. Ensuring that information is not transported outside the educator's home.

## 7.19 PRIVACY & CONFIDENTIALITY – EDUCATORS

5. To uphold the privacy and confidentiality of all FDC children and their families by not discussing with others any identifiable features of a child or his/her family.
6. To uphold the privacy and confidentiality of the service and its management (shared with educator's in confidence).
7. To sign Windermere's Code of Conduct.

### ***Educator Records and Information***

1. Information will be shared only:
  - a. For medical treatment or emergency
  - b. When a Release of Information consent form has been signed
  - c. When required by Law (ie: if an incident occurs).
2. Information is accessible to:
  - a. Windermere Management
  - b. FDC staff

### ***Storing of an Educator's Personal Information on HubWorks (electronic data)***

1. Information is stored on a database called HubWorks which is secure and password protected. The information recorded on this database includes:

• Contact details/ Personal details	• Emergency Contact Details	• Working Contract
• Tax Declaration form	• Medical Details/History	• Immunisation Details
• Working with Children Check	• Qualifications	• First Aid, CPR and Anaphylaxis Certificates
• Permission Forms	• Personal Resume	• Payroll Information
• Superannuation Details	• Incident Reports	

### **Procedures – Access to Personal Information**

Individuals (families in receipt of a service and educators) have the right to ask for access to personal information the service holds about them. Under the privacy legislation, an individual has the right to:

1. request access to personal information that the service holds about them
2. access this information
3. make corrections if they consider the data is inaccurate or incomplete.

There are some exceptions set out in the Information Privacy Act 2000, where access may be denied in part or in total. Examples of some exemptions are where:

1. the request is frivolous or vexatious
2. providing access would have an unreasonable impact on the privacy of other individuals

## 7.19 PRIVACY & CONFIDENTIALITY – EDUCATORS

3. providing access would pose a serious threat to the life or health of any person
4. the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

The process for viewing or accessing personal information involves:

1. Contacting Windermere's Privacy Officer, reception staff or FDC Management. An educator is unable to authorise any requests for file access. It is the responsibility of the educator to immediately inform FDC Management of the request as made. *NOTE: where a request is made directly to FDC Management, Windermere's Privacy Officer must be notified in order to log details*
2. Providing a short explanation or reason for wanting access (what and why). *NOTE: Access to personal information will only be granted if the request is deemed reasonable.*
3. Providing personal identification (as evidence of an individual's identity)

*NOTE: Access is encouraged wherever possible, however if the request is to be denied (see Windermere's Privacy policy), the worker or Privacy Officer is to notify the consumer by phone or in writing of the grounds for refusal and the complaint process **within 2 weeks of receiving the request.***

### Procedures – Privacy Breach

Children, families and educators have a right to have their privacy protected at all times. If an individual believes their privacy has been breached, they will be supported to access FDC's complaint process. This process will provide an opportunity for the perceived breach to be explored in detail. FDC aims to provide complainants with an explanation or answer within 10 working days.

If you are not happy with the handling of your complaint (related to a privacy breach) you have a right to contact the Department of Education and Training (DET).

**DET - South Eastern Victoria Region**

**Ph: 8765 5600**

**Email: [sevr@edumail.vic.gov.au](mailto:sevr@edumail.vic.gov.au)**

### Relevant Standards/Legislation

- National Quality Framework for Early Childhood Education and Care Services including:
  - Education and Care Services National Law 2011
  - Education and Care Services National Regulations 2011
- Health Records Act 2001
- Privacy and Data Protection Act 2014

### Related Policies & Links

- *Grievances and Complaints Procedure*
- *Privacy and Confidentiality – Children and Families Procedure*
- *Privacy Statement*

We respect your rights and protect them.

Our *Confidentiality and Privacy* Policy is about how we handle your personal information.

We collect personal information from you when it is reasonably necessary for a business purpose. That means we collect it to supply you with the services and/or products you have asked for and to provide you with the best possible service.

Other reasons we collect personal information are to:

- Understand you and how we can meet your needs now and in the future
- Develop or evaluate services and products
- Make ads more relevant to you
- Manage our business
- Comply with our legal obligations.

We may collect personal information like your name, address, date of birth, gender, occupation, location, contact details or payment details depending on the activity you undertake with us. There are a few different ways we collect this information.

Our complete *Confidentiality and Privacy* policy is available to all children and families accessing Family Day Care. Please ask us if you would like a copy.