



Dara School

Out of School Hours Care

Confidentiality Policy

CONFIDENTIALITY OSHC POLICY

1. BACKGROUND

OSHC Services have access to sensitive and private information about children, families, employees and management. Records and information must be stored appropriately to ensure confidentiality, must be available at the Service, and must be maintained in accordance with legislative requirements.

Information should not be collected unless it is required. People are entitled to know why information is being collected and the Service's policy about disclosure of the information it holds. Personal information about children should not be held without family or guardian knowledge.

2. SCOPE

This policy applies to children, families, Educators, management, and visitors of the Service.

3. POLICY STATEMENT

The Dara OSHC Service makes every effort to protect the privacy and confidentiality of all individuals by ensuring that all records and information are kept in a secure place and are accessed by, or disclosed only to, those people who need the information to fulfil their responsibilities at the Service. This also extends to those who have a legal right to know in accordance with legislative requirements.

4. IMPLEMENTATION

4.1 General

In order to provide children and their families or legal guardians with the highest standard of service, Dara OSHC Service is required to collect personal information about families and/or legal guardians, and their child/children both before and during a child's enrolment in the Service. The Service is committed to protecting the privacy of all parties (child, family and/or legal guardians) and the Service's practices are consistent with the Australian National Privacy Principles contained within the Privacy Act. Privacy of personal information is important and Dara OSHC conducts all business with respect and integrity. Families and/or legal guardians can be assured that:

- This information will only be used by Dara OSHC Service in order to deliver a child's care to the highest standards.

- Information will not be disclosed to those not associated with the care of a child without express consent.
- Parents or legal guardians may ask to seek access to the information held about their child, and Dara OSHC will provide access without undue delay.
- Dara OSHC will take reasonable steps to protect this information from misuse or loss and from unauthorised access or disclosure.
- Management, staff and Educators are committed to respecting these principles at all times.

All privacy related comments, feedback, or complaints should be directed to the Service's Director or Assistant Director, as appropriate and relevant. Comments, feedback or complaints will be addressed within 14 days, and resolved to maintain the high standard of Service provision (see Complaints policy for further details). Personal information collected by the Service will be stored in a safe and secure location for the relevant time periods as required under regulations, and only made accessible to relevant individuals.

Family/guardianship information is stored in the Service's office in a locked filing cabinet with limited access by personnel.

Dara OSHC Service's Privacy Notice and Disclosure Statement are at the end of this policy.

4.2 Collection of Information

Dara OSHC Service collects personal information that is necessary to carry out Service operations, or to comply with legal obligations. This includes information required to comply with the National Education and Care Law and Regulations and to promote learning under the Early Years Learning Framework. Information may also be collected to comply with other laws including state or territory health laws.

During the enrolment process Dara OSHC Service will:

- Advise families and/or legal guardians about the Privacy and Confidentiality policy and how to access it.
- Attach a copy of the Privacy Notice to the Enrolment Form and other forms used to collect personal information.
- Verbally advise named emergency contacts and authorised nominees that the Service has some of their personal information on file and explain the advice in the Privacy Notice.
- Explain the advice in the Privacy Notice to individuals who provide personal information verbally (e.g. by phone).

Personal information includes but is not limited to name, address, date of birth, gender, family contact details, emergency contact details, authorised nominee details, parent occupations, cultural background, home language, religious beliefs, payment details, child care subsidy (CCS) information, immunisation records, medical information, medical management plans, photos of children and family members, and information about children's

strengths, interests, preferences and needs, including additional needs. Personal information also includes government related identifiers like Medicare numbers and CCS references.

Dara OSHC Service usually collects personal information directly from a parent or guardian either in writing or verbally. This can happen during enrolment, when completing waiting list applications, or when a partnership is established with families in caring for and educating a child. The Service may also collect information through the website, Family Law court orders or agreements, additional needs agencies, and training courses.

The Service may occasionally request information from other organisations which would reasonably be agreed is necessary for the Service to educate and care for a child. For example, a copy of a child's immunisation records may be requested where they are from another Service, or from an allied health professional or health professional/organisation.

Dara OSHC Service will not request information without obtaining the consent of the parent/guardian concerned. In most cases, if relevant personal information is unable to be collected, that child will be unable to be enrolled at Dara OSHC Service. The Service will advise parents/guardians about any unsolicited personal information received from other organisations and, will keep such information because it is directly related to Service functions and activities (unless advised not to by a Government authority).

The Service will destroy any unsolicited personal information that is not directly related to Service operations unless it adversely impacts the health, safety and wellbeing of a child or children at the Service. If this happens the Service will contact the appropriate Government authorities and act as directed while protecting the confidentiality of the individuals concerned.

4.3 Use or Disclosure of Personal Information

Dara OSHC Service will not use personal information for any purpose that is not reasonably needed for the proper or effective operation of the Service. Personal information may be accessed by, and exchanged with, the staff educating and caring for a child or by administrative staff. Personal information will not be disclosed to others unless in a situation where reasonably expected to, or the Service has the express consent of the families involved. For example, personal information may be disclosed to:

- Emergency Service personnel so they can provide medical treatment in an emergency.
- Additional needs Educators or inclusion support agencies.
- Volunteers, trainees and work experience students supporting the OSHC Service.
- Trainers or presenters if children participate in special learning activities.
- Organisations related to the Service (e.g. other services).
- Another Service to which a child is transferring to, where the transfer has been consented to by the parent and/or legal guardian.

Dara OSHC may disclose personal information where permitted, or obliged to do so by Australian law. For example, personal information may be disclosed to:

- Authorised officers when the Service is assessed and rated under the National Education and Care Law and Regulations.
- Government employees (e.g. for CCS, immunisation, or Medicare purposes).
- Software companies that provide childcare management systems.
- Management companies the Service may engage.
- Software companies that provide tailored computer based educational tools for children.
- Lawyers in relation to a legal claim.
- Officers carrying out an external dispute resolution process.
- A debt collection company used to recover outstanding fees.
- Authorities if acting in relation to unlawful activity, serious misconduct, or to reduce or prevent a serious threat to life, health or safety.

The Service does not disclose personal information to any person or organisation overseas or for any direct marketing purposes.

4.4 Quality of Personal Information

Dara OSHC Service will take reasonable steps to ensure the personal information collected, used and disclosed is accurate, current and complete. Educators and staff will:

- View original sources of information if practical when information is collected.
- Collect and record personal information in a consistent format, for example using templates for enrolment, incident, injury, trauma and illness, and administration of medication.
- Record the date personal information was collected or updated.
- Update information in our physical or electronic records as soon as it is provided.

In addition, Dara OSHC Service will:

- Regularly remind families via emails, or through displays on the service notice boards to update their personal information including emergency contact details and their child's health information.
- Ask parents to update their enrolment details annually, or whenever their circumstances change.
- Verify the information is accurate, current and complete before disclosing it to any external organisation or person.
- Ensure documentation about children and families is based on facts and free from prejudice.

4.5 Security of Personal Information

Dara OSHC Service will take reasonable steps to protect personal information from misuse, interference and loss, unauthorised access, modification or disclosure. These steps include:

- Taking responsibility for the security of personal information and regularly checking the practices implemented to protect it. This will include management of

access privileges to ensure only people who genuinely need to see personal information can access it.

- Ensuring information technology systems have appropriate security measures including password protection, anti-virus and 'malware' software, and data backup systems.
- Ensuring physical repositories of personal information are secured in the Service's office, behind locked doors and in locked cabinets.
- Ensuring all educators and staff are aware of their obligations in relation to the collection, use, and disclosure of personal information, through activities like mentoring, staff meetings or on-line training courses.
- Requiring all educators, staff, volunteers and work experience students to sign a 'Confidentiality Statement' acknowledging that personal information:
 - Can only be accessed if it is necessary for them to complete their job.
 - Cannot be disclosed to other organisations or discussed with individuals outside the service including personal family members unless they have written consent from the person (or parent) concerned.
 - Must be stored in compliance with service practices which safeguard its security.
- Ensuring records which the Service does not need to keep, including unsuccessful job applications and records which fall outside the record keeping timeframes under the National Education and Care Law and Regulations are destroyed in a secure way as soon as possible by shredding, incinerating or permanently deleting electronic records including archived or back-up copies. Where possible, the destruction of records containing personal information will be overseen by two staff members.
- 'De-identifying' personal information so that people (e.g. the Service's accountant) who require the information may access it without being able to identify individuals.
- 'De-identifying' personal information which may come into the public domain. For example, removing identifying names or details from newsletters etc.
- Ensuring staff comply with the social media policy.
- Ensuring confidential conversations with parents or with staff are conducted in a quiet area away from other children, families and staff.

4.6 Access to and of personal information

Individuals may request access to their (or their child's) personal information and may request the correction of any errors. These requests may be made to the Dara OSHC Service via:

- Telephone 08 0411 052 447
- Email oshc@daraschool.sa.edu.au
- Mail Address or PO box 656 Park Holme, 5043

Personal information will be provided as soon as possible, and no later than 30 days from a request. Dara OSHC Service will provide the information in the form requested, for example by email, phone, in person, hard copy, or electronic record, unless it is unreasonable or impractical to do this, for example due to the volume or nature of the information.

The Service will always verify a person's identity before providing access to the information and ensure someone remains with the individual to ensure information is not changed or removed without our knowledge. There is no charge for making a request to access the information. There may, however, be a reasonable charge to cover costs for staff, postage and material expenses if the information is not readily available and retrieving the information takes a lot of time. The Service will advise of the cost and obtain agreement to costings before proceeding. There may be rare occasions when the Service may be unable to provide access because:

- Giving access would be unlawful, the information relates to unlawful activity or serious misconduct, or it may prejudice the activities of a law enforcement body.
- There is a serious threat to life, health or safety.
- Giving access would unreasonably affect the privacy of others.
- The request is frivolous or vexatious, for example to harass staff.
- The information relates to legal proceedings (eg: unfair dismissal claim) between the Service and the individual.
- Giving access would reveal sensitive information about a commercial decision.

The Service may, however, provide the information in an alternative way for example by:

- Deleting any personal information which cannot be provided.
- Providing a summary of the information.
- Giving access to the information in an alternative format.
- Allowing the individual to inspect a hard copy of the information and letting them take notes.

Dara OSHC Service will advise promptly in writing if access is unable to be provided, relating to the information, or access in the format requested. The advice will include the reasons for the refusal to provide the information (unless it is unreasonable to do this) and information about how to access the Service's grievance procedure.

4.7 Correction of Personal Information

Individuals have a right to request the correction of any errors in their personal information. These requests may be made to the Service by:

- Telephone 08 0411 052 447
- Email oshc@daraschool.sa.edu.au
- Mail Address or PO box 656 Park Holme, 5043, SA

The Service will take reasonable steps to correct personal information that is inaccurate, out of date, incomplete, irrelevant, or misleading as soon as it is available.

The Director and Educators will:

- Take reasonable steps to ensure information supplied by an individual is correct.
- Verify the identity of an individual requesting the correction of personal information.
- Notify other organisations about the correction if this is relevant, reasonable or practical.
- Advise the individual about the correction to their information if they are not aware.
- If immediately unable to correct an individual's personal information, explain what additional information or explanation is required and/or why immediate action on the information provided cannot be taken.
- If unable to correct the information include reasons for this and inform the individual about the grievance procedure and their right to include a statement with the information saying they believe it to be inaccurate, out-of-date, incomplete, irrelevant or misleading.
- Correct the information, or include a statement if requested, as soon as possible.

The Service will not charge for making a request to correct personal information or for including a statement with personal information.

4.8 Data Breaches

Data breaches occur where there is:

- Unauthorised access to, or unauthorised disclosure of, personal information about one or more individuals (affected individuals), or
- Where personal information of affected individuals is lost in circumstances that may give rise to unauthorised access or unauthorised disclosure.

Data breaches may be caused by malicious intentional actions such as a serious cyber security incident; accidental loss; loss from negligence; or loss from improper disclosure.

4.9 Complaints

If you believe Dara OSHC Service has breached Privacy Laws or the Privacy Policy you may lodge a complaint with the Director by:

- Telephone 08 xxxx xxxx

Email A1 Enrolments and Orientation OSHC Policy

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- Mail Address or PO box with OSHC Service identifiers

The Director will follow the Service's grievance procedure to investigate the complaint. Individuals who are unhappy with the outcome of the investigation may raise their complaint with the:

Office Australian Information Commissioner

- www.oaic.gov.au or GPO Box 5218 Sydney NSW 2001 or GPO Box 2999 Canberra ACT 2601
- Phone 1300 363 992
- Email enquiries@oaic.gov.au

5. OTHER OSHC POLICIES OR DOCUMENTS RELATED TO THIS POLICY

A1 Enrolments and Orientation OSHC Policy

A6 Complaints OSHC Policy

A7 Governance and Management OSHC Policy

H1 Child-Safe Environment OSHC Policy

6. RELATIONSHIP TO REGULATIONS

National Quality Standards (NQS)

Quality Area 2 –Children's health and safety

Quality Area 4 – Staffing arrangements

Quality Area 6 – Collaborative partnerships with families and communities

Quality Area 7 - Governance and leadership

Education and Care Services National Regulations

Education and Care Services National Regulations 2022

Regulation 84 *Awareness of child protection laws*

Regulation 157 *Access for parents*

Regulation 168 *Education and care service must have policies and procedures*

Regulation 181 *Confidentiality of records kept by approved provider*

Regulation 182 *Confidentiality of records kept by family day care educator*

Regulation 183 *Storage of records and other documents*

Regulation 184 *Storage of records after service approval transferred*

Regulation 191 *False or misleading information or documents*

7. REFERENCES

- Australian Children’s Education and Care Quality Authority [National Regulations | ACECQA](#) - checked March 2022
- Government of South Australia PC 012 Information Privacy Principles (IPPS) [Microsoft Word - PC 012 - Information Privacy Principles Instruction \(dpc.sa.gov.au\)](#) - Checked March 2022
- The Department of education Information Sharing Guidelines [Information-Sharing-Guidelines.pdf \(dpc.sa.gov.au\)](#)- checked March 2022

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<i>Director Signature</i>	<i>Chairperson Signature</i>