



## Confidentiality Policy

Date adopted:

Date last reviewed:  
November 2020

Reviewed by:  
Board of Management.

Date of next review:  
November 2022

### Policy context:

This policy relates to:

Legislation/Act.	New South Wales Education and Care Services National Regulations under the Children (Education and Care Services) National Law (NSW) 181 Confidentiality of records kept by approved provider 183 Storage of records and other documents
National Quality Standards.	Element 7.1.2 <i>Management Systems</i> Systems are in place to manage risk and enable the effective management and operation of a quality service.

### Documents related to this policy

Related policies	
Forms or other organisational documents	Children's records - enrolment forms, medical management plans, communication plans, risk minimisation plans Employee files – employment contracts, acceptance of responsibility letters, declarations.
References	

### Policy Review:

Policy review frequency: This policy will be reviewed in accordance with the Organisations Review Policy.

Responsibility for review: The Board of Management.

Where appropriate staff will be part of the review process.

Documentation and communication: Policy documentation to be held in Policy and Procedure manuals. Where appropriate copies of new or reviewed policies will be given to staff, volunteers and families.

## Purpose

To safeguard the privacy of personal and sensitive information collected by our service and the need for confidentiality is fundamental for Woy Woy Peninsula Community Childcare Centre in providing a Quality Child Care Service.

## Rationale

To maintain the confidentiality of information pertaining to staff and families.

## Procedure

### Children's Needs

In the areas of sensitive health issues, learning and behaviour difficulties and family issues is to remain confidential. All references to children attending the service are on a first name basis. Children's records are to be kept until the children reach 25 years of age.

Children's records will only be available to staff, nominated Management Committee Member, and other persons authorised by law and after authorisation is given by parents/primary caregivers.

With parents' permission photos will be used for program and internal display.

### ***Client's Needs***

Security of private information given to Woy Woy Peninsula Community Childcare on income levels, custodial arrangements, address, telephone numbers etc. are kept confidential.

Ability to speak to staff on confidential matters that impact on quality of care.  
Centre enrolment forms seek parent/caregivers permission for photographing their child.

Families may take photos at centre events and are asked not to display them publicly. Parents/caregivers requesting their children not be photographed must advise staff prior to the event.

### ***Staff Needs***

Personal records, details, appraisals will be kept confidential, clear guidelines regarding: what they should/should not disclose about children and families, freedom to raise personal issues that impact on workplace. Staff may be photographed, filmed with their permission.

### ***Manager***

To make decisions about confidential issues; need to obtain relevant personal details from clients. All information pertaining to staff/families and children will be secured in locked filing cabinets or locked storage areas.

## **New South Wales Education and Care Services National Regulations under the Children (Education and Care Services) National Law (NSW)**

### **Subdivision 4 Confidentiality and storage of records**

#### **181 Confidentiality of records kept by approved provider**

The approved provider of an education and care service must ensure that information kept in a record under these Regulations is not divulged or communicated, directly or indirectly, to another person other than—

- (a) to the extent necessary for the education and care or medical treatment of the child to whom the information relates; or
- (b) a parent of the child to whom the information relates, except in the case of information kept in a staff record; or
- (c) the Regulatory Authority or an authorised officer; or
- (d) as expressly authorised, permitted or required to be given by or under any Act or law; or
- (e) with the written consent of the person who provided the information.

#### **183 Storage of records and other documents**

(1) The approved provider of an education and care service must ensure that records and documents set out in regulation 177 are stored—

- (a) in a safe and secure place; and
- (b) for the relevant period set out in sub regulation (2).

(2) The records must be kept—

- (a) if the record relates to an incident, illness, injury or trauma suffered by a child while being educated and cared for by the education and care service, until the child is aged 25 years;
- (b) if the record relates to an incident, illness, injury or trauma suffered by a child that may have occurred following an incident while being educated and cared for by the education and care service, until the child is aged 25 years;
- (c) if the record relates to the death of a child while being educated and cared for by the education and care service or that may have occurred as a result of an incident while being educated and cared for, until the end of 7 years after the death;
- (d) in the case of any other record relating to a child enrolled at the education and care service, until the end of 3 years after the last date on which the child was educated and cared for by the service;
- (e) if the record relates to the approved provider, until the end of 3 years after the last date on which the approved provider operated the education and care service;
- (f) if the record relates to the nominated supervisor or staff member of an education and care service, until the end of 3 years after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service;
- (g) in case of any other record, until the end of 3 years after the date on which the record was made.