

## 4.3 PRIVACY AND CONFIDENTIALITY

### POLICY STATEMENT

The Centre protects the privacy and confidentiality of individuals by ensuring that all records and information about children, families, staff, clients and the Board are:

- appropriate to providing quality early childhood programs and community programs
- sensitively and accurately collected, recorded and stored in a locked and/or password protected filing system
- accessed by or disclosed to only those staff who need the information to fulfil their responsibilities within the organisation, or who have a legal right to know.

### COLLECTION

Gowrie SA collects information from clients to carry out its programs and reporting requirements and where possible, information is collected directly from the individual. Where information is collected from a third party, the individual has given consent.

Personal information, often including sensitive information, is collected from clients so that Gowrie SA can work with them according to the objectives of the organisation. Personal information collected often includes health and other sensitive information, such as ethnicity. Generally, information is used solely for the purpose for which it was collected, however it may be used for a closely related secondary purpose, where the client's needs have changed or become extended and they have consented. Individuals can withdraw consent regarding secondary uses of their personal information (for example using email addresses to promote services and programs).

Gowrie SA may be required to disclose information by law or for various legal purposes (eg Gowrie SA is required to provide information about clients to the Government bodies that fund specific programs).

Gowrie SA requires information that is up to date and relevant. Individuals may contact the organisation or vice versa to update or correct confidential information or information regarding themselves.

This policy should to be read in conjunction with *4.7 Storage, transportation and disposal of information*, *4.6 Freedom of Information* and *Grievance Policies*. All personal information is held under secure conditions with access restricted to those who need it to carry out their work within Gowrie SA programs. All staff, students, volunteers and Board members are required to sign a Confidentiality Agreement annually as are any other person deemed appropriate (including contractors).

Information collected from families, clients, participants, staff and Board will not be disclosed, including to overseas recipients without signed permission unless required by law.

In some instances, such as provision of feedback, individuals will have the option of not identifying themselves, or of using a pseudonym, unless required by law. Staff will advise of anticipated consequences of not identifying themselves where applicable.

## **CHILDREN**

- The Centre will maintain confidentiality regarding all information about individual children.
- Dealings with other agencies in relation to health issues, learning difficulties or behaviour difficulties will be anonymous until the parent has been consulted and written approval obtained from the family as per Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and Their Families (2008).
- Specific information regarding health considerations, diet and immunisation status will be displayed appropriately for use by educators.
- Staff will ensure that professional conversations about other people are conducted in private and respectful ways.

## **FAMILIES/CLIENTS**

- All private information is kept confidential within the conditions of this policy. This includes level of childcare assistance, custodial arrangements, personal details, etc.
- Families are encouraged to speak to staff regarding confidential matters that impact on their child's education and care.
- Clients are encouraged to speak to staff regarding confidential matters for example feedback on a training session.

## **STAFF**

- Personal records, details and appraisals are treated as confidential and will only be accessed by the CEO, relevant Program Leader and individual staff members who may request access to their own records.
- It is recognised that staff will be given and need to have information about children and family situations necessary for the care of children. Staff will be given clear guidelines regarding what information can be disclosed to others about children and families.
- Information about children, families and clients should not be taken from the site and should be returned to its usual secure storage place once used, or at the end of each day.
- Staff will protect the privacy and confidentiality of other staff members.

- It is expected that staff will observe professional ethics in any contacts they may have with others as a representative of Gowrie SA.
- Staff will be aware that continuing confidentiality is required after leaving employment at Gowrie SA.

## **RTO**

- Gowrie SA takes the privacy seriously and complies with all legislative requirements. These include the Privacy Act 1988 and the Australian Privacy Principles (APPs).
- Information is only shared with external agencies such as the National VET Regulator to meet our compliance requirements as an RTO. All information is kept in the strictest confidence.
- In some cases we are required by law or required by the Standards for Registered Training Organisations 2015 to make learner information available to others such as the National Centre for Vocational Education and Research. In all other cases, we will seek the written permission of the learner for such disclosure. Where written permission is required, this will be gained by using the Information Release Form located in the Privacy Policy Tools section.

## **GOVERNANCE**

The Board requires the highest ethical standards of all staff, Board members and visitors. A breach of confidentiality by staff may result in counselling and the establishment of a probationary period, performance management or the dismissal of the person involved.

Staff and Board members need to understand the sensitive and confidential nature of the information they access. Confidential matters which arise at board meetings will be identified and treated accordingly.

## **IMPLEMENTATION**

- All staff, Board members, families, clients and students will be made aware of this policy. They will also be given access to this policy document.
- Any confidential conversations will be conducted in a private area away from children, and any families or individuals who are not directly involved.
- Students, staff, clients or visitors will not make staff, children or families at the organisation the subject of discussion outside of the organisation (e.g. school, home etc.), nor will they, at any time, use family names in recordings, tutorial information or teaching.
- When information has been obtained in the course of employment at the organisation, no member of staff may give information or evidence on matters relating to children and/or their families to

anyone other than the custodial parent/guardian. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law or when identified under the Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and Their Families (2008). Individuals will be informed if information has been shared under those circumstances.

Notwithstanding these requirements, staff may exchange confidential information in the normal course of work with other staff members at the organisation. Such information may be given to the Board when this is reasonably needed for the proper operation of the organisation and the wellbeing of users and staff.

## References

Education and Care Services National Law Act 2010,  
[http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/B73164FE5DA2112DCA2577BA0014D9ED/\\$FILE/10-069a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/51dea49770555ea6ca256da4001b90cd/B73164FE5DA2112DCA2577BA0014D9ED/$FILE/10-069a.pdf), accessed August 2016.

Department of Education, Employment and Workplace Relations 2012, Child Care Service Handbook 2013-2014, Commonwealth of Australia, ACT, accessed August 2016.

Fair Work Ombudsman Fact Sheet – What are your privacy rights?; Best Practice Guide, Workplace privacy, 2009, accessed August 2012.

Freedom of Information Act SA, 1991,  
<http://www.legislation.sa.gov.au/LZ/C/A/FREEDOM%20OF%20INFORMATION%20ACT%201991/CURRENT/1991.20.UN.PDF>, accessed August, 2012.

Government of South Australia 2008, Information Sharing: Guidelines for promoting the safety and wellbeing of children, young people and their families, the State of South Australia, accessed August 2012.

Privacy Act, <http://www.privacy.gov.au/law/act>, accessed April 2014.

**Reviewed**

**August 2016**

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