

**East Preston Islamic College**

**PRIVACY  
AND  
CONFIDENTIALITY  
POLICY**

## **Purpose**

This policy will provide guidelines:

- for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at the East Preston Islamic College Early Learning Centre (EPIC ELC)
- to ensure compliance with privacy legislation.

## **Policy Statement**

### **Values**

EPIC ELC 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

- *Privacy and Data Protection Act 2014* (Vic)
- *Privacy Act 1988* (Cth)
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth)
- *Privacy Regulations 2013* (Cth)
- *Public Records Act 1973* (Vic)

The most current amendments to listed legislation can be found at:

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

**Sensitive information:** 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.

### Sources

- *Child Care Service Handbook 2012-2013*: Section 4.9  
<http://docs.education.gov.au/documents/child-care-service-handbook>
- Guidelines to the Information Privacy Principles:  
<http://www.oaic.gov.au/privacy/privacy-act/information-privacy-principles>
- ELAA *Early Childhood Management Manual, Version 2 2013*
- Office of the Health Services Commissioner: [www.health.vic.gov.au/hsc/](http://www.health.vic.gov.au/hsc/)
- Privacy Compliance Manual: <http://www.nfplaw.org.au/privacy>
- *Privacy Guide: A guide to compliance with Victorian and Federal privacy laws*:  
<http://www.nfplaw.org.au/sites/default/files/Privacy%20Guide.pdf>
- Privacy Victoria: [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)

### Related Policies

- *Child Safe Environment Policy*
- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Delivery and Collection of Children Policy*
- *Enrolment and Orientation Policy*
- *Information Technology Policy*
- *Staffing Policy*
- *Inclusion and Equity Policy*

### Procedures

#### The Approved Provider 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 the service complies 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), by developing, reviewing and implementing processes and practices that identify:
  - what information the service collects about individuals, and the source of the information
  - why and how the service collects, uses and discloses the information
  - who will have access to the information



**Parents and 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 the service 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.

**Volunteers and students, while at the service are responsible for:**

Following this policy and its procedures

**Evaluation**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider of EPIC ELC will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

**Authorisation**

This policy was adopted by the EPIC ELC on 09/04/2019

**Review Date**

This policy needs to be reviewed on the 26<sup>th</sup> of August 2022

**Attachments****Attachment 1****Additional background information**

Early childhood services must ensure that their processes for the collection, storage, use,







<b>Personal and health information collected in relation to:</b>	<b>Primary purpose of collection:</b>	<b>Examples of how the service will use personal and health, (including sensitive) information include:</b>
Children and parents/guardians	<ul style="list-style-type: none"> <li>• To enable the service to provide for the education and care of the child attending the service</li> <li>• To promote the service (refer to Attachments 5 and 6 for permission forms – photographs and videos)</li> </ul>	<ul style="list-style-type: none"> <li>• Day-to-day administration and delivery of service</li> <li>• Provision of a place for their child in the service</li> <li>• Duty rosters</li> <li>• Looking after children's educational, care and safety needs</li> <li>• For correspondence with parents/guardians relating to their child's attendance</li> <li>• To satisfy the service's legal obligations and to allow it to discharge its duty of care</li> <li>• Visual displays in the service</li> <li>• Newsletters</li> <li>• Promoting the service through external media, including the service's website</li> </ul>

The Approved Provider if an individual, or members of the Committee of Management/Board if the Approved Provider is an organisation

- For the management of the service
- For communication with, and

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The privacy legislation also provides an individual about whom information is held by the service, the right to request the correction of information that is held. The service will respond to the request within 45 days of receiving the request for correction. If the individual is able to establish to the service's satisfaction that the information held is incorrect, the service will endeavour to correct the information.





- law enforcement agencies
- health organisations and/or families in circumstances where the person requires urgent medical assistance and is incapable of giving permission
- anyone to whom the individual authorises us to disclose information.

*Laws that require us to collect specific information*

*The Education and Care Services National Law Act 2010*

## ATTACHMENT 5

[Place on service letterhead]

### Permission form for photographs and videos

#### *Background information*

Photographs and videos are now classified as 'personal information' under the *Privacy and Data Protection Act 2014*.

The purpose of this permission form is to:

- comply with the privacy legislation in relation to all photographs/videos taken at the service, whether by the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, parents/guardians, volunteers or students on placement
- enable photographs/videos of children to be taken as part of the program delivered by the service, whether group photos, videos or photos at special events and excursions etc.
- notify parents/guardians as to who will be permitted to take photographs/videos, where these will be taken and how they will be used.

#### *Photographs/videos taken by staff*

Staff at the service may take photographs/videos of children as part of the program. These may be displayed at the service, on the EPIC ELC website or placed in the service's publications or promotional material to promote the service, or for any other purpose aligned to the service's business operations. Some staff may use learning journals in which photographs are included.

When the photographs/videos are no longer being used, the service will destroy them if they are no longer required, or otherwise store them securely at the service. It is important to note that while the service can nominate the use and disposal of photographs they organise, the service has no control over those photographs taken by parents/guardians of children attending the service program or activity.

#### *Group photographs/videos taken by parents/guardians*

Parents/guardians may take group photographs/videos of their own child/children at special service events such as birthdays, excursions and other activities. Parents must ensure that where the photographs/videos include other children at the service they are sensitive to and respectful of the privacy of those children and families in using and disposing of the photographs/videos.

#### *Photographs taken by a photographer engaged by the service*

A photographer may be engaged by the service to take individual and/or group photographs of children. Information will be provided in written form to parents/guardians prior to the event, and will include the date and the photographer's details.



*Photographs/videos for use in newspapers, EPIC ELC website and other external publications*

The permission of parents/guardians of children will, on every occasion, be obtained prior to a child's photograph being taken to appear in any newspaper/media or external publication, including the service's newsletter, publications and website.

*Photographs/videos taken by students on placement*

Students at the service may take photographs/videos of children as part of their placement requirements.

*Access to photographs/videos*

Access to any photographs or videos, like other personal information, is set out in the service's *Privacy and Confidentiality Policy*, which is displayed at the service and available on request.

*Confirmation of consent*

I consent/do not consent to the arrangements for the use of photographs and/or videos, as stated in this permission form.

\_\_\_\_\_  
Parent's/guardian's name

\_\_\_\_\_  
Child's name

\_\_\_\_\_  
Signature (parent/guardian)

\_\_\_\_\_  
Date

**ATTACHMENT 6**

[Place on service letterhead]

**Special permission notice for publications/media**

Use of photographs, digital recordings, film or video footage of children in media, newspapers and publications, including any service publication or media outlet

[Date]

Dear [insert name of parent/guardian],

The purpose of this letter is to obtain permission for your child to be photographed or filmed by [insert name of the organisation/individual taking the photograph or filming the child] and for your child's photograph, digital recording, film or video footage to appear in [insert name of the newspaper, publication (including the service's publication) or media outlet where it will be displayed]

I, \_\_\_\_\_, consent/do not consent to my child

\_\_\_\_\_ (name of child)

being photographed or filmed by [insert name of the organisation/individual taking the photograph or filming the child] and for my child's photograph, digital recording, film or video footage to appear in the following publication and/or media outlet: [insert name of the newspaper, publication (including the service's publication) or media outlet where it will be displayed].

\_\_\_\_\_  
Signature (parent/guardian)

\_\_\_\_\_  
Date

## **ATTACHMENT 7**

### **Australian Privacy Principles**

The commonwealth government made extensive amendments to the Privacy Act 1988 (Cth) with effect from 12 March 2014. Under these changes, organisations with an annual turnover greater than \$ 3 million are required to comply with 13 new Australian Privacy Principles (3)-16.7-6.4 ( )0. ich hci7tensn),]TJ-01e7 (ri)-e6.7 (y )0.7 (P)ad8TT04 (c)ensn)93p cPenati(c)

interviews and telephone calls. Individuals from whom personal information is collected will be provided with a copy of the service's *Privacy Statement* (Attachment 4).

When the service receives personal information about an individual in relation to themselves or children enrolled at the service from a source other than directly from the individual or the parents/guardians of the child concerned, the person receiving the information will notify the individual, or the parents/dindivtild cd c,he parvalal50 Tw 0.4-6 (e ot)0.012

<b>Personal and health information collected in relation to:</b>	<b>Primary purpose of collection:</b>	<b>Examples of how the service will use personal and health, (including sensitive) information include:</b>
Children and parents/guardians	<ul style="list-style-type: none"> <li>• To enable the service to provide for the education and care of the child attending the service</li> <li>• To promote the service (refer to Attachments 5 and 6 for permission forms – photographs and videos and publications/media)</li> </ul>	<ul style="list-style-type: none"> <li>• Day-to-day administration and delivery of service</li> <li>• Provision of a place for their child in the service</li> <li>• Duty rosters</li> <li>• Looking after children's educational, care and safety needs</li> <li>• For correspondence with parents/guardians relating to their child's</li> </ul>

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Personal and health information collected in relation to:	Primary purpose of collection:	Examples of how the service will use personal and health, (including sensitive) information include:
Job applicants, employees, contractors, volunteers and students	<ul style="list-style-type: none"> <li>• To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be</li> <li>• To administer the employment, contract or placement</li> </ul>	<ul style="list-style-type: none"> <li>• Administering the individual's employment, contract or placement, as the case may be</li> <li>• Ensuring the health and safety of the individual</li> <li>• Insurance</li> <li>• Promoting the service through external media, including the service's website</li> </ul>

**Disclosure of personal information, including health information**

The service may disclose some personal information held about an individual to:

- educators at the service for the purpose of providing care and education to the child,

modification or disclosure, the Approved Provider and staff will ensure that, in relation to personal information:

- access will be limited to authorised staff, the Approved Provider or other individuals who require this information in order to fulfil their responsibilities and duties
  - information will not be left in areas that allow unauthorised access to that information
  - all materials will be physically stored in a secure cabinet or area
  - computerised records containing personal or health information will be stored safely and secured with a password for access
- 
- there is security in transmission of the information via email, fax or telephone, as detailed below:
    - emails will only be sent to a person authorised to receive the information
    - faxes will only be sent to a secure fax, which does not allow unauthorised access
    - telephone – limited and necessary personal information will be provided over the telephone to persons authorised to receive that information
  - transfer of information interstate and overseas will only occur with the permission of the person concerned or their parents/guardians, and the service will ensure that it will take reasonable steps to ensure that the overseas or interstate recipient does not breach the APPs in relation to the information.

### **Disposal of information**

Personal information will not be stored any longer than necessary.

In disposing of personal information, those with authorised access to the information will

- the service is involved in the detection, investigation or remedying of serious improper conduct against an individual and providing access would prejudice that process or outcome
- the information relates to existing or anticipated legal proceedings between the service and the individual and would not be accessible by the process of discovery in those proceedings
- giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations
- giving access would reveal commercially sensitive information about the service, or information in relation to the service, that is not otherwise available to the public

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