Privacy and Confidentiality Policy

Privacy is acknowledged as a fundamental human right. Birra-Li has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in the Early Childhood Code of Ethics, National Education and Care Regulations and the Privacy Act 1988. The right to privacy of all children, their families, educators and staff will be upheld and respected, whilst ensuring that all children have access to high quality early years care and education. All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationship with families.

National Quality Standard (NQS):

Quality Area 7: Governance and Leadership		
7.1	**Governance**	Governance supports the operation of a quality service
7.1.1	**Service philosophy and purposes**	A statement of philosophy guides all aspects of the service's operations
7.1.2	**Management Systems**	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.1.3	**Roles and Responsibilities**	Roles and responsibilities are clearly defined, and understood and support effective decision making and operation of the service
7.2	**Leadership**	Effective leadership builds and promotes a positive organisational culture and professional learning community

Education and Care Services National Law and National Regulations:

S.2A	Paramount consideration
S.167	Offence relating to protection of children from harm and hazards
Part 6A	Devices in education and care services
168	Education and care services must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedure
177	Prescribed enrolment and other documents to be kept by approved provider
181	Confidentiality of records kept by approved provider

183	Storage of records and other documents
184	Storage of records after service approval transferred

Purpose:

At Birra- Li we protect the privacy and confidentiality of individuals by ensuring that all records and information about individual children, families, educators and management are kept in a secure place and are only accessed by or disclosed to those people who need the information to fulfil their responsibilities at the centre or have a legal right to know.

We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions. Our Service ensures that child safety, wellbeing and best interests take priority over all other considerations, including financial interests or other obligations of management, and are embedded in our daily practices, policies and procedures.

Our Service complies with all legislative and regulatory requirements relating to the taking, use, storing, sharing and destruction of images or videos of children.

Scope:

This policy applies to children, families, educators, staff, management, Nominated Supervisor, students, volunteers and visitors of the Service.

Implementation:

Early Childhood Services are required to comply with the Australian privacy law which includes the Privacy Act 1988 (the Act) aimed at protecting the privacy of individuals. Schedule 1 of the Privacy Act 91988) includes 13 Australian Privacy Principles (APPS) which all services are required to apply.

The Notifiable Data Breaches (NDB) scheme that requires Early Childhood Services, to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy Commissioner) and affected individuals of any data breaches that are "likely" to result in "serious harm."

Businesses that suspect an eligible data breach may have occurred, must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any

individual affected. In order to comply with the Privacy Act, services are required to follow the Australian Privacy Principles (APPS), which are contained in Schedule 1 of the Privacy Act 1988.

Safe use of digital technologies:

Birra-Li ensures that practices relating to privacy and confidentiality of personal digital data, including images of children and use of CCTV comply with legislative and regulatory requirements as outlined in our *Safe Use of Digital Technologies and Online Environments Policy.*

The Nominated Supervisor will ensure all staff, educators, students, volunteers and where relevant, visitors (including ECIP professionals) comply with policies and practices for the safe use of digital technologies where images and videos of children are:

- Only taken on Service-issued or supplied electronic devices. This includes the use of Service email accounts for transferring images and footage.
- Stored and secured using password protections systems
- Accessed only by approved personal
- Not stored or transferred to personal electronic devices (including SD cards, USB drives etc).

Any personal information is de-identified or destroyed and removed from storage, in accordance with the *Record Keeping and Retention Policy.*

The Nominated Supervisor/management will:

- Ensure the Service acts in accordance with the requirements of the Australian Privacy Principles and *Privacy Act 1988* by developing, reviewing, and implementing procedures and practices that identify:
  - the name and contact details of the Service
  - what information the Service collects and the source of information
  - why the information is collected
  - who will have access to information
  - collection, storage, use, disclosure, and disposal of personal information collected by the Service
  - any law that requires the particular information to be collected
  - adequate and appropriate storage for personal information collected by the Service
  - protection of personal information from unauthorised access.
- Ensure educators, staff, students and volunteers have knowledge of and adhere to this policy.
- Ensure families are aware of the '*Privacy and Confidentiality Policy'.*

- Require new employees to sign our *Confidentiality Agreement* as part of their induction and orientation.
- Provide staff and educators with any relevant changes to Australian privacy law or policies & procedures.
- Make sure all relevant staff understand the requirements under Australia's privacy law and notifiable Data Breaches (NDB) Scheme.
- Ensure personal information is protected in accordance with our obligations under the Privacy Act 1988 and Privacy amendments (Enhancing Privacy Protection) Act 2012.
- Ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations (See '*Record Keeping and Retention Policy*').
- Ensure all computers are password protected and install security software- antivirus protection.
- Ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations.
- Ensure all employees, students and volunteers are provided with a copy of this policy and the copy is signed and returned to management to store in staff files.
- Deal with privacy complaints promptly and in a consistent manner, following the Service's *Dealing with Complaints Policy* and procedures.
- Ensure families only have access to the files and records of their own children.
- Ensure information given to educators is treated with respect and in a professional manner.
- Ensure children and staff files are stored in a locked and secure cabinet.
- Ensure information relating to staff employment will remain confidential to the people directly involved with making personnel decisions.
- Ensure information regarding the health and wellbeing of a child or staff member is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law under relevant state/territory legislation.
- Ensure that any confidential conversations, had with parents or educators, are conducted in a quiet area away from other children, parents and educators. Such conversations are to be documented and stored in a confidential file.
- Ensure permission is obtained from families to allow observations, programming, documentation and communication.

- Ensure consent forms are obtained from parents and/or guardian of children who will be photographed or videoed at Birra-Li.
- Ensure only necessary information regarding the children's day to day health and wellbeing is given to non-primary contact educators e.g. food allergies.
- Not discuss individual children with people other than the parents of that child, except for the purposes of curriculum planning or group management.
- Ensure information shared by the family is treated as confidential unless told otherwise.
- Ensure that information relating to the Centre's confidential business transactions is not discussed with any person or persons within or outside the centre, except where this is in relation to the educator's or management committee member's professional work at the Centre.

Educators and staff will:

- Read and adhere to the *Privacy and Confidentiality Policy* at all times.
- Ensure any recorded information and photographs of children are kept secure and are available to families upon request.
- Comply with legislative requirements regarding the use of personal electronic devices used to take, store or transmit images or videos of children whilst at the education and care Service.
- Ensure families only have access to the files and records of their own children.
- Treat private and confidential information with respect and in a professional manner.
- Not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- Maintain individual and Service information and store documentation according to this policy at all times.
- Not disclose or share information about an individual, the Service, management information, or other staff (unless authorised to do so by legislation).
- Not have any contact with families in regards to incidents or children/families in the Service outside of working hours. Any incidents or issues will be discussed with the Nominated supervisor first before being discussed with families.
- Protect the privacy and confidentiality of other educators by not relating personal information about another educator to anyone either within or outside the service.

- Ensure that any confidential matters in regards to children, families, management or educators are kept confidential and not discussed with others.
- Ensure that no information or evidence on matters relating to children and/or their families is given to anyone other than the parent/guardian, unless prior written approval by the custodial parent/guardian is obtained. Exceptions may apply regarding information about children when summoned to appear before a court of law. Notwithstanding these requirements confidential information may be exchanged in the normal course of work with other educators at the centre and may be given to the nominated supervisor, when this is reasonably needed for the proper operation of the centre and wellbeing of users and educators.

Breach of policy:

Staff members or educators who fail to adhere to this policy may be in breach of their terms of employment, staff members who engage in unauthorised disclosure of confidential or sensitive personal information may face disciplinary action. Visitors or volunteers who fail to comply to this policy may face termination of their engagement.

Continuous improvement:

Our *Confidentiality Policy* will be updated every 18 months in consultation with families, staff, educators and management

Sources:

Australian Children's Education & Care Quality Authority. (2026). *Guide to the National Quality Framework*

Australian Children's Education & Care Quality Authority. (2024). *National Model Code for Early Childhood Education and Care.*

Australian Government Department of Education. *Child Care Provider Handbook (2025)* https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook

Australian Government Office of the Australian Information Commission – Australian Privacy Principles: https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles

Early Childhood Australia. (2016). *Code of Ethics.*

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Privacy Act 1988.

UN General Assembly (1989) United Nations Convention of the Rights of a child

Western Australian Legislation Education and Care Services National Law (WA) Act 2012

Western Australia Legislation Education and Care Services National Regulations 2012

Review:

Policy Reviewed	Modifications	Next Review Date
June 2026	Related policy section removed. Safe use of digital technologies section added. Breach of policy section added. National Model Code now a legislated requirement and referred to as 'applicable legislative and regulatory requirements' to reflect child safe amendments in National Law and Regulations added children's safety, wellbeing and best interests to be paramount consideration for all service operations.	**December 2027**

I agree to Birra-Li's Confidentiality Policy.

Name: _____

(Please print)

Signature: _____ Date: _____