



EARLY EDUCATION (EARLYED) Inc: Rights: Privacy & Confidentiality

DSS Code R/PoPR/26.3.2018	<b>RIGHTS</b>
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<b>Applies to:</b> All families, staff, volunteers, Board and other agencies involved with EarlyEd
<b>Specific responsibility:</b> All staff, Board and other agencies involved with EarlyEd

<b>Version:</b>	15.03.18/2
<b>Date approved:</b>	26.3.18
<b>Next review date:</b>	26.3.19

**Policy: PRIVACY & CONFIDENTIALITY**

Policy context: This policy relates to	
Standards or other external requirements	<ul style="list-style-type: none"> <li>• National Standards for Disability Services December 2013               <ul style="list-style-type: none"> <li>○ Standards In Action 1: Rights</li> <li>○ Standards In Action 3: Individual Outcomes</li> <li>○ Standards In Action 6: Service Management</li> </ul> </li> </ul>
Legislation or other requirements	<ul style="list-style-type: none"> <li>• NSW Disability Inclusion Act 2014</li> <li>• National Standards for Disability Services DSS 1504.02.15 — Version 0.1. December 2013</li> <li>• Disability Discrimination Act 1992</li> <li>• United Nations Conventions on the Rights of the Child (CRC)</li> <li>• Australian Human Rights Commission Act 1986</li> <li>• <i>Australian Privacy Act 1988</i> and Australian Privacy Principles</li> <li>• Privacy Amendment (Notifiable Data Breaches) Act 2017 (NDB Act)</li> <li>• National Disability Insurance Scheme Act 2013</li> <li>• Health Records and Information Privacy Act 2002 Chapter 16A</li> <li>• Child Protection (Working with Children) Regulation 2013</li> <li>• The Ombudsman Act 1974 (NSW)</li> </ul>
Contractual obligations	<ul style="list-style-type: none"> <li>• Current Funding Agreements</li> <li>• National Disability Insurance Scheme Business Rules</li> </ul>

**Policy Statement**

EarlyEd is committed to protecting and upholding the right to privacy and confidentiality of children and family members, staff, volunteers, board members and representatives of agencies we deal with. In particular, EarlyEd is committed to protecting and upholding the rights to privacy in the way we collect, store and use information related to children and their families, their needs and the services we provide to them.

EarlyEd requires staff, volunteers and board members, and representatives of agencies we work with to

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be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

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**About this policy**

This privacy policy sets out how EarlyEd complies with its obligations under the *Privacy Act 1988* (Cth) (**the Privacy Act**). We have obligations in relation to personal information about individuals. The purpose of this policy is to:

- clearly explain the types of personal information we collect about individuals and how we store, use and disclose that information;
- clarify how we manage personal information; and
- enhance the transparency of our operations and information management.

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**Who is responsible for this policy?**

EarlyEd's Chief Executive Officer is the Privacy Officer and responsible for this policy. Staff will be given orientation and ongoing training and support in following the policy guidelines. You can contact our Chief Executive Officer on the following details:

Email: [admin@earlyed.com.au](mailto:admin@earlyed.com.au)

Phone: (02) 9923 2727

Post: PO Box 19, 248 Miller Street, North Sydney, NSW, 2060

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**Child Protection**

EarlyEd staff are all mandatory reporters and are required to provide information to the appropriate authorities.

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**What is personal information?**

"Personal information" means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

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**Collection of personal information**

We will only collect personal information that is necessary for or directly related to our functions and activities. These purposes include:

- Referral to EarlyEd programmes
- Provision of an individualised programme that is reflective of the priorities identified in the family's Individualised Family Service Plan
- Administrative activities

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- Sector and community development activities
- Fundraising
- Complaint handling

Generally, we will collect personal information about children and family directly from the family. When we collect personal information, we will inform the purposes for which we are collecting the information. However, in some cases, we may collect personal information from referring doctors or other medical practitioners if they have been given permission to share this information.

EarlyEd is required to collect and share personal information under rules and regulations from government funding bodies such as Section 55 and Child protection legislation such as Chapter 16.

In some cases, we may receive unsolicited information from a third party. If we do get personal information in these circumstances, we must determine whether we could have lawfully collected the information. If we could not, we will destroy the information or de-identify it.

The types of personal information we collect includes:

- Child's name, address, date of birth, disability and funding information
- Child's development needs and support
- Intervention and community activities and programs that are being accessed
- Parent's name, address, contact details and financial information such as bank accounts and credit card details
- Child's past and present health information, including treatment goals and plans
- Photographs of children, their parents and our staff members

EarlyEd ensures all reasonable precautions are taken to ensure personal information that we collect, use and disclose is accurate and up-to-date. Families are asked to inform the service of any changes to the information supplied.

EarlyEd releases itself from any responsibility if families choose to disclose to any staff member any private and / or personal information which is not required.

Families do not have to give provide personal information. However, it may affect EarlyEd's ability to provide services or products that enable participation in programs or events.

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**Use and disclosure**

We will only use personal information for the purposes for which it was given to us, or for purposes which are directly related to one of our functions or activities. We will not use or disclose personal information for other purposes unless:

- we have consent; or
- it is reasonably expected, or families have been informed, that information of that kind is usually passed to other organisations; or
- it is otherwise required or authorised by law; or
- we believe that it will prevent or lessen a serious and imminent threat to somebody's life, health or safety or a serious threat to public health or safety.

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EarlyEd will obtain parent / guardian consent before disclosing a child's personal and sensitive information to any professional from another service for the specific purpose of providing a service for your child. This includes preschool / childcare teachers, schools, therapists, doctors and counsellors.

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**Data quality**

We will take steps to ensure that the personal information we collect is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that their personal information has changed and at other times as necessary.

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**Data security**

EarlyEd maintain systems and procedures to ensure that personal information we hold is protected against misuse, interference and loss from unauthorised access, modification or disclosure.

Other than circumstances such as unlawful activity or serious threats to health and safety, we do not share personal information with outside organisations.

It is a legal requirement for EarlyEd to keep children's records for a number of years, specifically:

- Records will be retained until the child reaches 25 years of age
- The records of a deceased child will be retained in accordance with legislative requirements, for 7 years after the death.

When personal information that we collect is no longer required, we destroy or delete it in a secure manner, in accordance with best practice for document and data destruction.

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**Data Breaches**

We comply with the Privacy Act in handling privacy breaches and will notify affected individuals and the OAIC and Australian Privacy Commissioner of 'eligible data breaches' where appropriate as per the Notifiable Data Breaches (NDB) scheme 2018. An eligible data breach occurs when the following criteria are met:

- There is unauthorised access to or disclosure of personal information held by an entity (or information is lost in circumstances where unauthorised access or disclosure is likely to occur).
- This is likely to result in serious harm to any of the individuals to whom the information relates.
- The entity has been unable to prevent the likely risk of serious harm with remedial action.

EarlyEd staff to follow the *Data Breach Response Plan* where EarlyEd experiences a data breach or suspected data breach.

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**Access and correction**

Families have the right to access the personal information EarlyEd holds about their child and family under Freedom of Information. Families can request to access this information or to update it by contacting EarlyEd's Chief Executive Officer whose contact details are outlined on page 2.

There may be occasions where access is denied. Such occasions would include where access would have an unreasonable impact on the privacy of others, where access may result in a breach of EarlyEd's

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duty of care to the child, or where children have provided information in confidence. We will carefully consider any request made. If a request is declined, we will inform the applicant of the reasons why.

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**Complaints**

If families have a complaint about the way in which we have handled personal information or feel there has been a privacy breach, they should write to our Chief Executive Officer via the contact details above.

If families are unhappy with our response, they may apply to the Office of the Australian Information Commissioner to have their complaint investigated.

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**Website****Cookies**

It is our usual practice to collect information about all visitors to our online services and resources using "cookies". Cookies are text files that a website can transfer to the computer when information has been accessed on that site. Cookies allow websites to recognise the browser and provides the following types of information:

- The type of browser and operating system being used
- The top level domain name (for example, .com, .gov, .au, .uk)
- The address of the referring site or the previous site visited
- The date and time of visit
- The address of the pages visited

**Search terms**

Search terms entered when using our search engine are collected, but not linked to IP addresses. This is to ascertain what people are looking for at this website and to improve the content of the site.

**Google Analytics**

We use Google Analytics to gather statistics about how the website is accessed. Google Analytics uses cookies to gather information for the purpose of providing statistical reporting. The information generated by the cookie about an individual's use of the website will be transmitted and stored by Google on servers located outside of Australia. No personally identifying information is recorded or provided to Google.

Users can opt out of the collection of information via Google Analytics by downloading the Google Analytics Opt-out browser add on. Cookies can also be disabled in the user's internet browser. Doing so will not affect most of our website, but some functions may not work properly if cookies are disabled.

**Email addresses**

We will record email addresses provided to us for direct contact purposes. It will be used only for the purpose for which it is provided. We will not disclose email addresses without consent.

**Links to other sites**

The EarlyEd website contains links to other sites. We cannot be held responsible for the privacy practices (or lack thereof) or the content of other websites.

### Child Photography/Video Privacy and Security

EarlyEd is committed to the protection of and respect for all children and families involved with the organisation, as well as ensuring the confidentiality, privacy and security of photo/video recordings at all times.

EarlyEd will always obtain written permission from the parent or carer before use and clearly outline purposes for which the photo or video will be used. A crowd release notice is to be displayed at all EarlyEd events.

Photos or videos taken by EarlyEd staff will be in child and family safe environments and recorded on devices owned by EarlyEd.

Images or recordings obtained for promotional purposes will be kept for as long as they are of value; images or recordings obtained during service delivery for the purpose of enhancing clinical records will be maintained for a period of 25 years in accordance with the Health Records and Information Privacy Act. Procedure for storage of photographs and video is set out in the Data Quality and Security section above.

When reproducing images or video online, the highest privacy settings allowed on the website and social media account will be applied. Identifying personal information accompanying photos or videos, such as the child’s name, school or address, will be removed.

### Third Party Photographers

If employing professional photographers or videographers, we will ensure they have appropriate qualifications and experience, and will maintain a high level of professionalism and respect at all times. During the session, photographers/videographers will be supervised by EarlyEd staff during their contact with children. Photographers/videographers will be advised to adhere to Work, Health & Safety requirements.

Professional photographers or videographers will be asked for written acknowledgement of EarlyEd’s policy including acknowledgment that images and video taken remain the property of EarlyEd and cannot be used or sold for other purposes. They require express permission from the parent or carer of the child prior to reproducing images on their own sites.

### NOTES: Providing and requesting information under Chapter 16A

<http://www.community.nsw.gov.au/kts/guidelines/info-exchange/provide-request>

Chapter 16A allows information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information, such as the *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002* and the *Commonwealth Privacy Act 1988*.

### DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"> <li>● Records Management &amp; Access Policy</li> <li>● Communications Policy</li> <li>● Rights of individuals and services rights</li> </ul>
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> <li>● EarlyEd Charter of Services</li> <li>● Rights and Responsibilities</li> <li>● Client Record Management System</li> <li>● Record keeping</li> </ul>



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	<ul style="list-style-type: none"><li>• Third Party Photographer's Terms of Agreement</li><li>• Briefing document including policy related and task related information</li><li>• Crowd release document</li><li>• Media Consent Form</li><li>• Data Breach Response Plan</li></ul>
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Reviewing and approving this policy		
Frequency	Person responsible	Approval
Every 12 months	Senior Executive	Chief Executive Officer

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	7.11.2016	Senior Executive Team	7.11.2017
2	26.3.2018	Senior Executive Team	26.3.2019
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