

## ▲ PRIVACY AND CONFIDENTIALITY

### ▲ NQS

#### **Element 7.1 Governance supports the operation of a quality service**

**Element 7.1.2 Systems** are in place to manage risk and enable the effective management and operation of a quality service

**Education and Care Services National Regulations:** 158; 160-162; 167; 168(2)(i) - (o); 170; 177;181.

### ▲ PURPOSE

The purpose of this policy is to outline the procedures for ensuring records and information that FROEBEL is required to collect are stored and managed according the Privacy Act (1988) and The Australian Privacy Principles (APP) (2014).

### ▲ PROCEDURES

#### **COLLECTION OF CHILD/FAMILY INFORMATION**

- Personal information will only be collected in so far as it relates to the centre's activities and functions, and in line with relevant legislation.
- Collection of personal information will be lawful, fair, reasonable and unobtrusive.
- Basic information such as name, date of birth, medical details, routines, address and phone numbers along with any specific requirements of a child parents/guardians will be directly collected as part of the enrolment process.
- A personal profile on each child will be created to ensure that all their specific needs are met.
- If applicable, our centre is also required to collect information regarding any government childcare assistance.
- Some of the information we collect is to meet legal requirements. When applicable, the centre is obligated to provide legal institutions with personal information about parents/guardians and their children. Examples of these institutions include The Family Law Court, Department of Health and the Department of Community Services. Some of this information will obviously be of a sensitive nature. The centre will use as much discretion as possible when doing so.
- The Approved Provider or Nominated Supervisor will advise individuals about any unsolicited personal information we receive from other organisations and keep because it is directly related to our functions and activities (unless we are advised not to by a Government authority). The Approved Provider or Nominated Supervisor will destroy any unsolicited personal information that is not directly related to our

Service operations unless it adversely impacts the health, safety and wellbeing of a child or children at the service. If this happens the Approved Provider or Nominated Supervisor will contact the appropriate Government authorities and take action as directed while protecting the confidentiality of the individuals concerned.

- FROEBEL uses the web-based platform Typeform to collect information, e.g. for waiting list registrations, during the enrolment process, ongoing engagement with policy reviews as well as family surveys during enrolment and when enrolment ceases. Typeform's security and compliance framework is GDPR and CS Star Level 1 compliant; it is ISO 27001 and ISO 27701 certified and independently audited annually. Please refer to Typeform's security and privacy standards for more details: <https://www.typeform.com/help/a/security-privacy-standards-at-typeform-9350912237844/>
- Waiting List data is regularly removed and deleted from Typeform to be kept on FROEBEL's secure cloud-based platform within Microsoft Azure, providing end-to-end data security. Permanent deletion of personal waiting list data can be requested at any time by sending an email to [info@froebel.com.au](mailto:info@froebel.com.au).
- For mailing purposes (Waiting List Updates and Newsletters) your email address will be imported to Mailchimp, a secure email marketing platform. No identifying personal information other than your email address will be stored on Mailchimp.
- FROEBEL uses the web-based platform Xplor, a registered Child Care Management System as required by the Australian Government under Family Assistance Law, to record and submit attendances to the Government as well as to process fee payments and maintain contact details and bookings of children. All parents/carers are required to create an Xplor account upon enrolment start. Please refer to Xplor's Privacy Statement for further details: <https://www.xplortechnologies.com/us/privacy-notice>.
- FROEBEL uses the web-based platform Storypark for documentation of children's learning and development, upon enrolment you will be provided with an invite to Storypark which outlines the terms and conditions for privacy and confidentiality within this platform.
- Individuals who provide personal information will be advised by the Approved Provider or Nominated Supervisor of this policy, and:
  - the name and contact details of the centre;
  - the fact that they are able to gain access to their information;
  - why the information is collected;
  - the organisations to which the information may be disclosed;
  - how the information is stored;
  - the length that information has to be archived;
  - how information is disposed;
  - any law that requires the particular information to be collected; and
  - the main consequences for not providing the required information
- Confidential conversations will be conducted in a quiet area away from other children, parents/guardians and educators. Such conversations are to be documented and stored in a confidential folder as appropriate.
- In the event of a data breach event, the Data Breach Response Plan will be referred to.

### **USAGE AND STORAGE OF INFORMATION**

- The use or disclosure of personal information will only be for its original collected purpose, unless the individual consents or unless it is needed to prevent a health threat or is required or authorised under law.
- The Approved Provider or Nominated Supervisor will take steps to ensure the personal information collected, used or disclosed, is accurate, complete and up to date. Parents/Guardians will be required to update their enrolment details whenever they experience a change in circumstances and as part of an annual re-enrolment process conducted by the Approved Provider. Electronic records will be updated as soon as new information is provided.

### **CHILD AND FAMILY RECORDS**

- Access to records or documentation must be requested for in writing and each time a request is made new consent must be obtained in writing. Withdrawal of consent must also be provided to the approved provider in writing.
- Our records about the family will be as up to date as possible.
- Our records will be kept in secure files at the centre and in an electronic folder on FROEBEL's secure cloud-based platform within Microsoft Azure, providing end-to-end data security, in order to protect them from being lost or misused.
- If a trainee/student and/or a casual employee not employed with FROEBEL has a valid reason for needing to see these records, for example, training requirements, they must have written consent from you and the Centre Director unless there is an imminent danger requiring sighting of records before consent can reasonably be obtained.
- FROEBEL's financial statements are being audited annually by an ASIC appointed auditor. In the process of the audit, the auditor may be required to obtain sample data in relation to a family's enrolment to test FROEBEL's financial statements. FROEBEL will use reasonable endeavours to de-identify any personal information it is required to share with the auditor.
- Personal information will be kept in a secure and confidential way, and destroyed by shredding or secure file removal, when no longer needed.
- The physical repositories of personal information about enrolled children and their families are kept in a locked filing cabinet in the Centre Director's office and filed in a secure online file.

### **EMPLOYEES/EMPLOYER RESPONSIBILITIES**

- FROEBEL is using the HR and Payroll Platform Employment Hero to manage employee and employment data and to process its payroll. Employment Hero is ISO 27001:2013 certified. Please refer to Employment Hero's privacy policy for more details: <https://employmenthero.com/legals/privacy-policy/>.
- Employees are able to access HR and payroll personal information via the Employment Hero Swag App. Please refer to Employment Hero's privacy policy for the Swag App for more details: <https://swagapp.com/legal/privacy-policy/>.
- Every employee is required to sign a Confidentiality Statement as part of their contract.
- Employee personal information is also stored securely in each of FROEBEL's Nominated

Supervisor offices as required under relevant legislation and on FROEBEL's secure cloud-based platform within Microsoft Azure, providing end-to-end data security.

- FROEBEL employees and/or the Approved Provider are not permitted to give information or evidence on matters relating to children and/or their families to anyone other than the authorised parent/guardian, unless prior written approval by the responsible parent/guardian has been obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law or to submit information to a court of law, or where an individual is required to act as a mandatory reporter under child protection legislation.
- 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 Head Office, when this is reasonably needed for the proper operation of the centre and the wellbeing of children and educators.
- Reports, notes and observations about children must be accurate and free from biased comments and negative labelling of children.
- FROEBEL employees will protect the privacy and confidentiality of other staff members by not relaying personal information about another staff member to anyone else, neither within nor outside the workplace.
- Students/people on work experience/volunteers will not make educators/children or families at the centre an object of discussion outside of the centre (e.g. college, school, at home, with friends etc.), nor will they at any time use family names and/or children's last names in recorded or tutorial information.
- Students/people on work experience/volunteers will only use information gained from the centre upon receiving written approval from the centre to use and/or divulge such information and will never use or divulge the names of persons.

### **ACCESS TO INFORMATION**

- Individuals will be provided with access to their personal information and may request that their information be updated/changed or deleted where it is not current or correct.
- Individuals wishing to access their personal information must make an application to the Nominated Supervisor or Approved Provider, who will arrange an appropriate time for this to occur. These requests may be made by telephone to the Centre Director or Head Office on +61 (2) 8080 0065 or email [info@froebel.com.au](mailto:info@froebel.com.au) or by mail, FROEBEL Australia Limited, 105 Pitt Street, Sydney NSW 2000.
- The Approved Provider or Nominated Supervisor will protect the security of the information by checking the identity of the applicant and ensuring someone is with them while they access the information to ensure the information is not changed or removed without the authorised representative's knowledge.
- FROEBEL will advise you promptly in writing if we are unable to provide access to the information, or access in the format requested. The advice will include the reasons for the refusal to provide the information (unless it is unreasonable to do this) and information about how to access our grievance procedure.

### **GENERAL**

- If you believe we have breached Privacy Laws or our Privacy Policy you may lodge a

 **Approved Provider:**  
FROEBEL Australia Ltd  
ABN: 73 135 620 370  
[www.froebel.com.au](http://www.froebel.com.au)

complaint with the Approved Provider or Nominated Supervisor by telephone on (02) 8080 0065 or email [info@froebel.com.au](mailto:info@froebel.com.au) or by mail FROEBEL Australia Limited, 105 Pitt Street, Sydney NSW 2000. The Approved Provider or Nominated Supervisor will deal with privacy complaints promptly and in a consistent manner, following the organisation's Feedback and Grievances Policy.

- Where the aggrieved person is dissatisfied after going through the grievance process and has not had a response within 30 days, they may appeal to the Office of the Australian Information Commissioner using the following pathway:  
<https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

### ▲ SOURCES AND FURTHER READING

- Children Education and Care Services National Law Application Act 2010
- Education and Care Services National Regulations
- Privacy Act 1988
- Australian Privacy Principles (2014)
- Fair Work Act 2009
- United Nations Convention of the Rights of a Child
  
- Early Childhood Australia Code of Ethics

### ▲ ASSOCIATED POLICIES

- Accidents and Incidents
- Code of Conduct and Ethics
- Data Breach Response Plan
- Custody Arrangements
- Educational Program
- Enrollment and Orientation
- Feedback and Grievance Management
- Governance and Management

### ▲ POLICY REVIEW

- The Centre (together with educators) will review this policy every 12 months.
- The Approved Provider and Nominated Supervisor ensure that all educators maintain and implement this policy and its procedures at all times.
- Families are encouraged to collaborate with the Centre to review the policy and procedures.

**Last review:** 25/10/2023

**Next review:** 25/10/2024