

## Privacy Policy

---

### 1. Policy Statement

#### Values

NERPSA 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 and disposal of their personal information, and *their* access to that information.

#### Purpose

This policy will provide guidelines:

- for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at NERPSA and individual Kindergartens
- to ensure compliance with privacy legislation.

### 2. Scope

This policy applies to NERPSA, individual kindergartens within the NERPSA cluster, their committees and staff and parents/guardians who wish to have their children enrolled, or have children already enrolled at NERPSA.

### 3. Background and Legislation

Early childhood services are obligated by law, service agreements and licensing requirements to comply with the privacy and health records legislation when collecting personal and health information about individuals.

The *Health Records Act 2001* (Part 1, 7.1) and the *Information Privacy Act 2000* (Part 1, 6.1) include a clause that overrides the requirements of these Acts if they conflict with other Acts or Regulations already in place. For example, if there is a requirement under the *Education and Care Services National Law Act 2010* or the *Education and Care Services National Regulations 2011* that is inconsistent with the requirements of the privacy legislation, services are required to abide by the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

Relevant legislation and standards include but are not limited to:

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- *Freedom of Information Act 1982*
- *Health Records Act 2001* (Vic)
- *Information Privacy Act 2000* (Vic)
- *Privacy Act 1988* (Cth)
- *Public Records Act 1973* (Vic)

#### 4. Definitions

**Freedom of Information Act 1982:** Legislation regarding access and correction of information requests.

**Health information:** Any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.

**Health Records Act 2001:** State legislation that regulates the management and privacy of health information handled by public and private sector bodies in Victoria.

**Information Privacy Act 2000:** State legislation that protects personal information held by Victorian Government agencies, statutory bodies, local councils and some organisations, such as early childhood services contracted to provide services for government.

**Personal information:** Recorded information (including images) or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained.

**Privacy Act 1988:** Commonwealth legislation that operates alongside state or territory Acts and makes provision for the collection, holding, use, correction, disclosure or transfer of personal information.

**Privacy breach:** An act or practice that interferes with the privacy of an individual by being contrary to, or inconsistent with, one or more of the information Privacy Principles (refer to Attachment 2: *Privacy principles in action*) or any relevant code of practice.

**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 party, 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.

#### 5. Sources and Related NERPSA Policies

- *Child Care Service Handbook 2011–2012*: Section 4.9  
[www.deewr.gov.au/Earlychildhood/Programs/ChildCareforServices/Operation/Documents/CCS\\_Handbook.pdf](http://www.deewr.gov.au/Earlychildhood/Programs/ChildCareforServices/Operation/Documents/CCS_Handbook.pdf)
- Guidelines to the Information Privacy Principles: <http://www.privacy.gov.au/law/apply/guidance>
- ELAA *Early Childhood Management Manual*
- Office of the Health Services Commissioner: [www.health.vic.gov.au/hsc/](http://www.health.vic.gov.au/hsc/)
- Privacy Victoria: [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)
- *Code of Conduct Policy*
- *Complaints Policy*
- *Delivery and Collection of Children Policy*
- *Enrolment and Orientation Policy*
- *Information Technology Use Policy*

#### 6. Procedures

NERPSA is responsible for:

- 6.1. 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*
- 6.2. Ensuring services comply with the requirements of the Privacy Principles as outlined in the *Health Records Act 2001*, the *Information Privacy Act 2000* and, where applicable, the *Privacy Act 1988* 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
  - risks in relation to the collection, storage, use, disclosure or disposal of and access to personal and health information collected by the service
- 6.3. Developing procedures to monitor compliance with the requirements of this policy

- 6.4. Ensuring all employees are provided with a copy of this policy, including the *Privacy Statement* of the service (refer to Attachment 2)
- 6.5. Providing adequate and appropriate secure storage for personal information collected by the service.

Educators are responsible for:

- 6.6. Providing notice to children and parents/guardians when photos/video recordings are going to be taken at the service
- 6.7. Obtaining informed and voluntary consent of the parents/guardians of children who will be photographed or videoed.
- 6.8. Ensuring they are aware of their responsibilities in relation to the collection, storage, use, disclosure and disposal of personal and health information
- 6.9. Implementing the requirements for the handling of personal and health information, as set out in this policy
- 6.10. Respecting parents' choices about their child being photographed or videoed, and children's choices about being photographed or videoed.
- 6.11. Ensuring the appropriate use of images of children, including being aware of cultural sensitivities and the need for some images to be treated with special care
- 6.12. Establishing procedures to be implemented if parents/guardians request that their child's image is *not to* be taken, published or recorded, or when a child requests that their photo *not* be taken.

Parents/guardians are responsible for:

- 6.13. Providing accurate information when requested
- 6.14. Maintaining the privacy of any personal or health information provided to them about other individuals, such as contact details
- 6.15. Completing all permission forms and returning them to the service in a timely manner
- 6.16. Being sensitive and respectful to other parent/guardians who do not want their child to be photographed or videoed
- 6.17. 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.**

## 7. Evaluation

In order to assess whether the values and purposes of the policy have been achieved, NERPSA will:

- Seek feedback regarding the effectiveness of the policy
- 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.

## 8. Authorisation

The policy was adopted by NERPSA on 12<sup>th</sup> July 2010.

## 9. Review date

The policy will be reviewed every three years from date of adoption.

## Attachments

- Attachment 1: Privacy Principles in action
- Attachment 2: *Privacy Statement*
- Attachment 3: Permission form for photographs and videos

## ATTACHMENT 1

### Privacy Principles<sup>1</sup> in action

#### 1. Collection processes (Privacy Principle 1)

##### 1.1 Type of personal and health information to be collected

The service will only collect the information needed, and for which there is a purpose that is legitimate and related to the service's functions and/or obligations.

The type of information collected and held includes (but is not limited to) personal information, including health information, regarding:

- children and parents/guardians prior to and during the child's attendance at a service (this information is collected in order to provide and/or administer services to children and parents/guardians)
- job applicants, employees, members, volunteers and contractors (this information is collected in order to manage the relationship and fulfil the service's legal obligations)
- contact details of other parties that the service deals with.

The service will collect information on the following identifiers (refer to *Definitions*):

- information required to access the *Kindergarten Fee Subsidy* for eligible families (refer to *Fees Policy*)
- tax file number for all employees, to assist with the deduction and forwarding of tax to the Australian Tax Office – failure to provide this would result in maximum tax being deducted

##### 1.2 Collection of personal and health information

Personal information about individuals, either in relation to themselves or their children enrolled at the service, will generally be collected via forms filled out by parents/guardians. Other information may be collected from job applications, face-to-face interviews and telephone calls.

When the service receives personal information 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/guardians of the child to whom the information relates of receipt of this information. The service will advise that individual of their right to request access to this information.

Access will be granted in accordance with the relevant legislation. Please note that the legislation allows the service to deny access in accordance with the limited reasons for denial that are contained in the legislation (refer to Privacy Principle 6.1).

##### 1.3 Anonymity (Privacy Principle 8)

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering into transactions with NERPSA.

---

<sup>1</sup> *Information Privacy Act 2000*

## 2. Use and disclosure of personal information (Privacy Principle 2)

### 2.1 Use of information

The service will use personal information collected for the primary purpose of collection (refer to the table below). The service may also use this information for any secondary purposes directly related to the primary purpose of collection, to which the individual has consented, or could reasonably be expected to consent. The following table identifies the personal information that will be collected by the service, the primary purpose for its collection and some examples of how this information will be used.

<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 Attachment 3 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	<ul style="list-style-type: none"> <li>• For the management of the service</li> </ul>	<ul style="list-style-type: none"> <li>• For communication with, and between, the Approved Provider, other Committee/Board members, employees and members of the association</li> <li>• To satisfy the service’s legal obligations</li> </ul>
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>

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

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

- government departments or agencies, as part of its legal and funding obligations
- local government authorities, in relation to enrolment details for planning purposes
- organisations providing services related to staff entitlements and employment
- insurance providers, in relation to specific claims or for obtaining cover
- 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 the service to disclose information.

## **2.3 Disclosure of sensitive information (Privacy Principle 10)**

Sensitive information (refer to *Definitions*) will be used and disclosed only for the purpose for which it was collected or a directly related secondary purpose, unless the individual agrees otherwise, or where the use or disclosure of this sensitive information is allowed by law.

## **3. Storage and security of personal information (Privacy Principle 4)**

In order to protect the personal information from misuse, loss, unauthorised access, 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:
  1. emails will only be sent to a person authorised to receive the information
  2. faxes will only be sent to a secure fax, which does not allow unauthorised access
  3. 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.

## **4. Data quality (Privacy Principle 3)**

The service will endeavour to ensure that the personal information it holds is accurate, complete, up to date and relevant to its functions and/or activities.

## **5. 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 ensure that it is either shredded or destroyed in such a way that the information is no longer accessible.

## **6. Access to personal information (Privacy Principle 6)**

### **6.1 Access to information and updating personal information**

Individuals have the right to ask for access to personal information the service holds about them without providing a reason for requesting access.

Under the privacy legislation, an individual has the right to:

- request access to personal information that the service holds about them
- access this information
- make corrections if they consider the data is not accurate, complete or up to date.

There are some exceptions set out in the *Information Privacy Act 2000*, where access may be denied in part or in total. Examples of some exemptions are where:

- the request is frivolous or vexatious
- providing access would have an unreasonable impact on the privacy of other individuals
- providing access would pose a serious threat to the life or health of any person
- the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

## **6.2 Process for considering access requests**

A person may seek access, to view or update their personal or health information:

- if it relates to their child, by contacting the Nominated Supervisor
- for all other requests, by contacting the Approved Provider/secretary.

Personal information may be accessed in the following way:

- view and inspect the information
- take notes
- obtain a copy.

Individuals requiring access to, or updating of, personal information should nominate the type of access required and specify, if possible, what information is required. The Approved Provider will endeavour to respond to this request within 45 days of receiving the request.

The Approved Provider and employees will provide access in line with the privacy legislation. If the requested information cannot be provided, the reasons for denying access will be given in writing to the person requesting the information.

In accordance with the legislation, the service reserves the right to charge for information provided in order to cover the costs involved in providing that information.

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.

## ATTACHMENT 2

### Privacy Statement



ABN 60 038 764 572  
1 Handley Street  
Wangaratta Vic 3677

Tel: 5721 2755  
[admin@nerpsa.com.au](mailto:admin@nerpsa.com.au)  
[www.nerpsa.com.au](http://www.nerpsa.com.au)

We believe your privacy is important.

NERPSA has developed a *Privacy Policy* that illustrates how we collect, use, disclose, manage and transfer personal information, including health information. This policy is available on request.

To ensure ongoing funding and licensing, our service is required to comply with the requirements of privacy legislation in relation to the collection and use of personal information. If we need to collect health information, our procedures are subject to the *Health Records Act 2001*.

#### Purpose for which information is collected

The reasons for which we generally collect personal information are given in the table below.

Personal information and health information collected in relation to:	Primary purpose for which information will be used:
Children and parents/guardians	<ul style="list-style-type: none"> <li>To enable us to provide for the education and care of the child attending the service</li> <li>To manage and administer the service as required</li> </ul>
The Approved Provider if an individual, or members of the Committee of Management/Board if the Approved Provider is an organisation	<ul style="list-style-type: none"> <li>For the management of the service</li> <li>To comply with relevant legislation requirements</li> </ul>
Job applicants, employees, contractors, volunteers and students	<ul style="list-style-type: none"> <li>To assess and (if necessary) to engage employees, contractors, volunteers or students</li> <li>To administer the individual's employment, contracts or placement of students and volunteers</li> </ul>

*Please note that under relevant privacy legislation, other uses and disclosures of personal information may be permitted, as set out in that legislation.*

#### Disclosure of personal information, including health information

Some personal information, including health information, held about an individual may be disclosed to:

- government departments or agencies, as part of our legal and funding obligations
- local government authorities, for planning purposes
- organisations providing services related to employee entitlements and employment
- insurance providers, in relation to specific claims or for obtaining cover
- 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* and the *Education and Care Services National Regulations 2011*, *Associations Incorporation Act 1981* and employment-related laws and agreements require us to collect specific information about individuals from time-to-time. Failure to provide the required information could affect:

- a child's enrolment at the service
- a person's employment with the service
- the ability to function as an incorporated association.

**Access to information**

Individuals about whom we hold personal or health information are able to gain access to this information in accordance with applicable legislation. The procedure for doing this is set out in our *Privacy Policy*, which is available on request.

For information on the *Privacy Policy*, please refer to the copy available at the service or contact the Approved Provider/Nominated Supervisor.

## ATTACHMENT 3



ABN 60 038 764 572  
1 Handley Street  
Wangaratta Vic 3677

Tel: 5721 2755  
[admin@nerpsa.com.au](mailto:admin@nerpsa.com.au)  
[www.nerpsa.com.au](http://www.nerpsa.com.au)

## Permission form for photographs and videos

### Background information

Photographs and videos are now classified as 'personal information' under the *Information Privacy Act 2000*.

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, 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 used for gifts for families, displayed at the service, on the NERPSA 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, NERPSA website and other external publications

A child's photograph/video may be taken to appear in any newspaper/media or external publication, including the service's newsletter, publications, website or public displays.

**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 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