



# Record Keeping, Privacy & Confidentiality Policy

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## Aim

*To ensure that all information regarding the operation of the organisation and the lives of our stakeholders is guarded under strict privacy and confidentiality guidelines.*

### Exceptions to confidentiality and privacy requirements:

- A Regulatory Authority or an authorised officer may request access to any operational documents
- Where relevant information regarding a child may be given to a medical professional to help with treatment if an incident occurs
- Application of any law or court order requiring access to particular documents
- Information may be shared to a party with the express written consent of the person who the information relates to, or from their legal guardian if pertaining to a child
- Information required under a legal matter as obtained under a subpoena, warrant or similar.

## Implementation

This policy covers how all forms of information are kept confidential at the preschool through the following ways:

- Enrolment information:
  - Enrolment information is stored in children's individual files which are kept in a locked filing cabinet in the office.
  - Files can be accessed by any employee and are able to be requested to be viewed by the legal guardian of the child, except in the case of a court order prohibiting this.
  - As per regulations the following information must be kept in the child's enrolment file:
    - Child's personal details including name, date of birth, gender, home language, address, parent details etc.
    - Information regarding authorised nominees
    - Details of any court orders or parenting plans
    - Any special requirements for the child's care
    - Authorisations for medical treatment, ambulance transportation, ongoing excursions (including emergency drills), transportation of the child
    - Health information including doctor's information, medicare number, specific healthcare needs, medical management plans, dietary restrictions, immunisation status
    - Any information added to the child's file during enrolment such as incident and illness forms, complaint details, child protection issues etc.
  - As per regulations the following considerations must be made when disposing of children's files:
    - All general files must be kept for 3 years after the child was last enrolled
    - Any files associated with the death of a child must be kept for 7 years
    - Any files relating to a serious incident associated with the child must be kept until that child is 25



## Sutherland Presbyterian Church Preschool

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- Any files relating to a child protection matter associated with the child should be kept for 45 years. (<https://www.acecqa.gov.au/media/37546> )
- Staff personnel records:
  - Staff files are kept in a locked filing cabinet in the office and are only accessed by the Nominated Supervisor or pay officer.
  - Staff may request to view their own file at any time.
  - As per regulations staff records must contain the following:
    - Information about the staff member including name, address, date of birth
    - Evidence of qualifications or actively working towards qualifications
    - Evidence of approved training - first aid, child protection, food handling etc.
    - Evidence of working with children check
    - Teacher registration information where applicable
    - Evidence of acceptance of educational leader/nominated supervisor role where appropriate
    - Anything else you include here such as tax info, contracts, appraisals etc.
    - Any details regarding complaints or investigations associated with the employee
  - Staff files are to be kept for 3 years after the time the employee last worked at the service.
- Students and volunteer records:
  - Student/volunteer records are kept in a locked filing cabinet in the office and are only accessed by the Nominated Supervisor or pay officer.
  - Students/volunteers may request to view their own file at any time.
  - As per regulations the following information must be kept on file:
    - Personal details including name, address, date of birth
    - Working with children check (or teacher registration information where applicable) This is new
    - Attendance records
  - Student/volunteer files are to be kept for 3 years after the time they last attended the service.
- Financial records:
  - Any personal bank records will be stored in the service in the individual file of the child they pertain to and be shredded when no longer needed.
- Information kept in the rooms on children's individual needs:
  - Any information such as medication records, injury forms, allergies etc. will be kept in the office.
  - A sign is displayed in the foyer stating that there are children attending the setting at risk of anaphylaxis, and therefore we are a nut free setting.
  - A copy of medical management plans of individual children with asthma, epilepsy or other conditions are displayed in the preschool office. The original remains in their file.
  - A summary of dietary requirements and allergies is also displayed in the office.



## Sutherland Presbyterian Church Preschool

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- Children's developmental records:
  - Any information pertaining to the assessment of an individual child is only to be kept in that child's portfolio, which includes both digital and print versions.
  - Any general documentation displayed in the room or shared with families, e.g. social media, newsletters, etc., will not contain any individual assessment elements for specific children and will be documented in a strength based manner.
  - Children's developmental records, unless associated with the incidents outlined in children's enrolment, will need to be kept for 3 years after the child was last enrolled.
  
- Organisational documents:
  - Any documents used in the operation of the preschool will not be shared with external parties without express written consent from the Nominated Supervisor or Approved Provider.
  - Employees must return any organisational documents they have in their possession at the end of their employment.
  - This includes both hard copies and digital versions of policies, procedures, templates, handbooks etc.
  - Any organisational documents are not to be shared with employees of other organisations or future workplaces and remain the intellectual property of the preschool.
  
- Verbal discussions with employees:
  - Any discussions should be held in a location that is private or not going to be within earshot of other people who may overhear private information being discussed. Information regarding individual children, families and staff are never to be discussed in public locations.
  - The same goes for any discussions about confidential operational aspects such as budgets, future projects etc.
  - Any discussions held between employees on the preschool grounds are private and not be repeated to another party without express consent of the original party. This means that unless it is your information to share you should not share it unless asked to by the owner of the information.
  - Discussions on the preschool grounds between employees should also be presumed to be confidential in nature as if behind a closed door so other employees should leave the discussion if they happen upon it and not share the fact they came across the discussion with anyone.
  - If wanting to have a private conversation with an educator this should be done off the floor and away from the children and other employees/visitors. If not possible to do this, wait for an appropriate time and if possible replace yourself on the floor to have the discussion while not impacting ratios.



## Sutherland Presbyterian Church Preschool

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- Verbal discussions with families:
  - Any discussions with families about children's progress or other personal matters should not take part in the vicinity of other staff, children or families who may be at the service at the time. This includes the child of the family if it is regarding their development etc. and not appropriate that the child hears this.
  - If it is not possible to have a private conversation with families during drop off and pick up, schedule a time to meet with or call the parent outside of these times to have the discussion without jeopardising privacy.
  - Where possible arrange to have private discussions with families in the office or a similar space away from interruptions.
  - Any information shared by a family is to be taken as confidential unless you explicitly get permission to share this with a third party to help resolve an issue etc.
  - For information on parent complaints see the complaints policy

### Disposal of confidential information

- All information will be kept for the required amounts of time as specified in regulation 183 (2)

*records must be kept—*

*(a) if the record relates to an **incident, illness, injury or trauma** suffered by a child **while being educated** and cared for by the education and care service, **until the child is aged 25 years**;*

*(b) if the record relates to an **incident, illness, injury or trauma** suffered by a child **that may have occurred following an incident** while being educated and cared for by the education and care service, **until the child is aged 25 years**;*

*(c) if the record relates to the **death of a child** while being educated and cared for by the education and care service or that may have occurred as a result of an incident while being educated and cared for, **until the end of 7 years** after the death;*

*(d) in the case of **any other record relating to a child enrolled** at the education and care service, until the end of **3 years after the last date** on which the child was educated and cared for by the service;*

*(e) if the record relates to the **approved provider**, until the **end of 3 years** after the last date on which the approved provider operated the education and care service;*

*(f) if the record relates to a **nominated supervisor or staff member** of an education and care service, until the **end of 3 years** after the last date on which the nominated supervisor or staff member provided education and care on behalf of the service;*

*(g) in case of **any other record**, until the **end of 3 years** after the date on which the record was made.*

- Documents will be disposed of using inhouse shredding or by engaging a documentation disposal company to securely destroy the documents.



## Sutherland Presbyterian Church Preschool

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### **Compliance evidence**

Education and Care Services National Regulations (2023) 145, 146, 147, 148, 149, 158, 160, 161, 162, 177, 181, 183, 184

National Quality Standard 1.3, 2.1, 2.2, 3.1, 4.1, 4.2, 6.1, 6.2, 7.1

Supports Child Safe Standards: 1, 5, 8, 10. New in the 2024 version.

### **Review Dates**

Date of last review: Sept 2020

Date of current review: Apr 2024

Date of next review: Apr 2026

Approved by: Lisa Collins (Director)/ Barbara Black (Preschool Management Committee).