



Confidentiality

POLICY STATEMENT:

Lake Mac Newy OOSH will make every effort to protect the privacy and confidentiality of all individuals associated with the service by ensuring that all records and information about individual children, families, educators, staff and management are kept in a safe and secure place and are not divulged or communicated, directly or indirectly, to another person except as permitted or required under the Education and Care Services National Law and Regulations:

- To the extent necessary for the education and care of the child
- To the extent necessary for medical treatment of the child
- A parent/guardian of the child to whom the information relates
- The Regulatory Authority or an authorised officer as expressly authorised, permitted or required under the Education and Care Services National Law and Regulations
- With the written consent of the person who provided the information.

This policy aligns with Section 263 of the Education and Care Services National Law (NSW) regarding the protection of confidentiality and Regulation 181 of the Education and Care Services National Regulations.

PROCEDURES:

Collection of personal information

- Before collecting personal information, the service will inform individuals of the following:
 - The purpose for collecting the information;
 - What types of information will be disclosed to the public or other organisations;
 - When disclosure will happen;
 - Why disclosure needs to occur;
 - How information is stored;
 - The strategies used to keep information secure;
 - Who has access to the information;
 - The right of the individual to view their personal information
 - The length of time information needs to be retained; and
 - How information will be disposed of.
- All information regarding the children and their families attending the service is to be used solely for the purposes of providing childcare and meeting the administration requirements of operating the service.
- All information regarding any child/family enrolled in the service will only be accessible to authorised persons. The Approved Provider and the Nominated Supervisor will determine who is authorised to access records.

Retention and Storage of Records

- The Service will ensure that documents set out in the Education and Care Services National Regulations (Regulation 177) are kept in a safe and secure place for the length of time outlined in Regulation 183 (2).
- All electronic records will be stored on password-protected systems. Access will be restricted to authorised personnel only. Paper-based records will be stored in locked cabinets when not in use. The service will take



reasonable steps to protect personal information from misuse, interference, loss, unauthorised access, modification or disclosure, including the secure use of email and digital platforms.

- The Approved Provider will develop and maintain procedures in relation to the retention and disposal of records.
- In the event that approval of the service is transferred, the requirements of Regulation 184 will be followed.
- The service ensures that personal information stored or accessed through digital platforms (including OWINA or other approved systems) is protected through secure login, password protection and controlled access. Staff are not permitted to store or share confidential information on personal devices or unauthorised platforms.

Disclosure of Information

- Personal information regarding the children and their families is not to be discussed with anyone outside the service, except in circumstances outlined in Regulation 181.
- Parents/guardians may seek access to the personal information collected about them and their child by contacting the Nominated Supervisor at the service. Children may also seek access to personal information about themselves, however access may be denied where access would impact on the privacy of others; where access may result in a breach of the service's duty of care to the child; or where the child has provided information in confidence.
- Lists of children's or parents/guardians names, emails and phone numbers are deemed confidential and are not for public viewing and will not be issued to any other person or organisation without written consent.
- Personal information relating to emergency contacts, authorised nominees, authorised persons for collection or medical consent will not be disclosed to any other parent or third party without written consent, unless required or authorised by law.
- No personal information regarding a staff member is to be given to anyone without his/her written permission.
- Within NSW, Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (Care Act) provides the legislative basis for sharing information that relates to the safety, welfare or wellbeing of a child or young person. Chapter 16A allows for the flow of information between certain government agencies and non-government organisations to facilitate collaboration in the provision of services. The provision of information under Chapter 16A takes precedence over the protection of confidentiality or of an individual's privacy because the safety, welfare and well-being of children and young people is paramount.
- In applying this policy, the service will prioritise the safety, welfare and well-being of children at all times. Where there is a conflict between maintaining confidentiality and protecting a child from harm or risk, the child's best interests will be the primary consideration.
- Confidentiality does not prevent the service from fulfilling mandatory reporting obligations under the Children and Young Persons (Care and Protection) Act 1998, NSW. Information may be shared with the Department of Communities and Justice (DCJ), NSW Police, the Regulatory Authority or other authorised bodies where required by law or where there are reasonable grounds to suspect a child is at risk of significant harm.

Breach of Confidentiality

- All staff, educators, volunteers and students are required to maintain confidentiality at all times.
- A breach of confidentiality may result in disciplinary action in accordance with the Staff Code of Conduct and Governance and Management Policy.
- The obligation to maintain confidentiality continues after employment or engagement with the service ends.



Personal Conversations

- Personal conversations with families about their children, or other matters that may impact on the child's enrolment, for example, fees, will take place in an area that affords them privacy. (R111)
- Personal conversations with educators and staff about matters relating to their performance will take place in an area that affords them privacy.

Maintenance of Information

- The Provider is responsible for maintaining all service records required under the Education and Care Services National Regulations (Regulation 168) and other relevant legislation, for example, Work, Health and Safety, Australian Taxation Office, Family Assistance Office, Department of Education, Employment and Workplace Relations (DEEWR) and for ensuring that information is updated regularly.
- The service takes all reasonable precautions to ensure personal information that is collected, used and disclosed is accurate, complete and up to date.
- Individuals will be required to advise the service of any changes that may affect the initial information provided.
- The service will comply with the Australian Privacy Principles (APPs) under the Privacy Act 1988 in relation to collection, storage, use and disclosure of personal information.

Continuous Improvement and Monitoring

- The service will aim to review confidentiality practices annually and following any incident, complaint or regulatory update.
- Confidentiality procedures will be discussed during staff meetings and professional development to ensure consistent understanding and application across all services.
- Feedback from families and staff will inform ongoing improvements to confidentiality systems and practices



CONSIDERATIONS:

Education and Care Services National Regulations	National Quality Standard	Other Service policies/documentation	Other
S175, S263 R111,145 – 152, 158-162, 168, 177, 181, 183, 184	Standards 4.2, 5.1, 7.1 Elements 4.2.2, 7.1.1, 7.1.2, 7.1.3 Child Safe Standards 1,3,4,5,6,7,8,9, 10	Governance and Management Policy. Enrolment Form. Parent Handbook. Staff Handbook. Personnel files. Acceptance and refusal policy Administration of medication policies. Communication with families policy. Delivery and collection of children policy. Enrolment and orientation policy.	My Time, Our Place. Network <i>OSHC Code of Conduct</i> . Network <i>Record Keeping</i> Factsheet. Work, Health and Safety Act (2011). Privacy Act (1988). Child Care Service Handbook (DEEWR). Child Care Subsidy legislation.

ENDORSEMENT BY THE SERVICE:

Approval date: May 2026 Date for Review: May 2027
