Privacy and Confidentiality Policy

**Quality Area:** 7: Leadership and service management

**Number:** 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community
7.3: Administrative systems enable the effective management of a quality service

**Element:** 7.1.1: Appropriate governance arrangements are in place to manage the service
7.3.1: records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements

**Purpose**

This policy will provide guidelines:
- for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at Ellie V Pullin Preschool
- to ensure compliance with privacy legislation.

**Policy Statement**

1. **Values**

Ellie V Pullin Preschool 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.

2. **Scope**

This policy applies to Ellie V Pullin Preschool, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Ellie V Pullin Preschool.
3. Background and Legislation

Background
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 Privacy and Data Protection Act 2014 (Vic) (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.

Legislation and standards
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: Regulations 181, 183
- Freedom of Information Act 1982
- Health Records Act 2001 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- National Quality Standard, Quality Area 7: Leadership and Service Management
- Standard 7.3: Administrative systems enable the effective management of a quality service
- Privacy Act 1988 (Cth)
- Public Records Act 1973 (Vic)

4. Definitions

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the General Definitions section of this manual.


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.

Privacy and Data Protection Act 2014 (Vic): State legislation that provides for responsible collection and handling of personal information in the Victorian public sector, including some organisations, such as early childhood services contracted to provide services for government. It provides remedies for interferences with the information privacy of an individual and establishes the Commissioner for Privacy and Date Protection.

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 association, 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.

**Unique identifier:** A symbol or code (usually a number) assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding use of the person's name.

### Ellie V Pullin Policy and Procedures

#### Distribution of this policy
This policy will be:

- Displayed at Ellie V Pullin Preschool,
- Made available on request to anyone who asks for it,
- Provided to all Committee members, employees and anyone who handles personal information at Ellie V Pullin Preschool.

#### Type of personal and health information to be collected
We will only collect the information we need, and for which we have a purpose that is legitimate and related to one of our functions or obligations.

The type of information we collect and hold includes (but is not limited to) personal information, including health information, regarding:

- Children and parents/guardians before and during the child's attendance at a service (this information is collected in order to provide and/or administer our services to children and parents/guardians).
- Job applicants, employees members, volunteers and contractors (the information is collected in order to manage the relationship and fulfil our legal obligations),
- Contact details of other parties with which Ellie V Pullin Preschool deals.

We will collect information on the following identifiers:

- Health Care card for children attending preschool in order for them to receive the State Government Fee Subsidy. Failure to provide this would result in the parents/guardians not obtaining the Fee Subsidy.
- Tax file number for all employees related to the deduction and forwarding of tax to the Australian Tax Office. Failure to provide this would result in maximum tax being deducted.
Personal information provided by individuals either in relation to themselves or their children using Ellie V Pullin Preschool. We will generally collect personal information about an individual by way of forms filled out by parents/guardians or job applicants, face to face interviews and telephone calls.

When collecting personal information we will provide individuals from whom we collect information with a copy of our Collection Statement (Appendix 1). If the reason for collecting the information varies from the Collection Statement, the Collection Statement will be amended to cover the area required while still meeting the privacy principle requirements of HPP 1.4 (Health Records Act 2001) and IPP 1.3 (Privacy and Data Protection Act 2014 (Vic)).

Notification of individuals or the parents/guardians of personal/health information collected?
What happens when we receive personal information from a source other than the individual or the parent/guardian? The person receiving the information will notify the individual or the parent/guardian of the child to whom the information relates of the receipt of this information and as part of the notification, will advise that they have a right to request access to the information.

Access will be granted in accordance with the relevant legislation. Please note that the legislation allows us to deny access, in accordance with the limited reasons for denial that are contained in the legislation.

Use of personal information
We will use the personal information we collect for the primary purpose of collection. We may also use the information for such secondary purposes that are related to the primary purpose of collection and can be reasonably expected, or to which the individual concerned has consented.

The personal information collected in relation to:
- Children and parents/guardians
- Committee members
- Job applicants, employees, contractors, volunteers and students,
will be used as set out below:

<table>
<thead>
<tr>
<th>Personal information and health information collected in relation to:</th>
<th>Primary purpose of collection</th>
<th>Examples of how Ellie V Pullin Preschool will use personal information, including sensitive and health information include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children and parents/guardians</td>
<td>To enable us to provide for the education and care of the child attending Ellie V Pullin Preschool</td>
<td>• Day to day administration; • Provision of a place for their child in Ellie V Pullin Preschool; • Duty rosters; • Looking after children’s educational, care and safety needs; • For correspondence with parents/guardians relating to their</td>
</tr>
</tbody>
</table>
child's attendance;
• To satisfy Ellie V Pullin Preschool’s legal obligations and to allow it to discharge its duty of care.

Committee members
For the management of Ellie V Pullin Preschool by the Committee of Management
• For communication with and between Committee members, employees and members of the association;
• To satisfy Ellie V Pullin Preschool’s legal obligations.

Job applicants, employees, contractors, volunteers and students
To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be.
To administer the employment contract or placement.
• Administering the individual’s employment, contract, or placement, as the case may be;
• Health and safety;
• Insurance purposes;
• Satisfying Ellie V Pullin Preschool’s legal obligations, for the example in relation to the Children’s Services Act 1996 and the Children’s Services Regulations 1998.
• Listing the names and qualifications of staff on material provided to prospective users.

Disclosure of personal information, including health information?
We may disclose some personal information held about an individual to:
• Government departments or agencies as part of their legal funding obligations;
• Local Government in relation to enrolment details for planning purposes;
• Organisations providing services related to staff entitlements and employment;
• Insurance providers in relation to specific claims;
• Law enforcement agencies;
• Health organisations and/or family in circumstances where the person requires urgent medical assistance and is incapable of giving permission;
• Anyone to whom the individual authorises Ellie V Pullin Preschool to disclose information.

Treatment of sensitive information
Sensitive information 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 the use or disclosure of the sensitive information is allowed by law.

Management and security of information
In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, the Committee and staff will ensure that in relation to personal information:
• Access will be limited to staff who require this information in order to do their jobs;
It will not be left in areas that allow for unauthorised access;
The physical storage of all materials will be in a secure cabinet or area;
Computerised records containing personal or health information will require password access;
There is security in transmission:
  - Emails will only be sent to a person authorised to receive this material;
  - Faxes will only be sent to a secure fax, which does not allow unauthorised access;
  - Telephone: Only limited 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 parent/guardian.

Data quality
We will endeavour to ensure that the personal information we hold is accurate, complete, up to date and relevant to our functions or activities.

Access to information and updating personal information
Individuals have the right to ask for access to personal information we hold about them without providing a reason for requesting access.
Under the privacy legislation, an individual has the right to:
  - Ask for access to personal information that Ellie V Pullin Preschool holds about them;
  - To access this information and
  - To make corrections if they consider the data is not accurate, complete or up to date.

There are some exceptions set out in the Acts where access may be denied in part or in total. Examples of some of the 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;
  - Ellie V Pullin Preschool is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

Process for considering access requests
A person may seek access to view or update their personal/health information:
  - If it relates to action on behalf of their child, by contacting the Teacher/Coordinator;
  - For all other requests by contacting the President or Secretary.

Personal information may be accessed in the following way:
  - View and inspect information;
  - Take notes;
  - Obtain a copy.
Requests for access or to update personal information should nominate the type of access required, and specifying where possible what information they seek. No reason is required in relation to why the request is made. The person seeking information, if the employee or Committee member does not know them, must provide a visible form of identification.

The employee or Committee member receiving the request will record the request and the date received. Each request will be acknowledged within 14 days, but preferably within 2 working days. Requests will be complied with within 30 days. However there could be a delay in responding if the timeline occurs over a period when Ellie V Pullin Preschool is closed.

Committee and employees will provide access in line with the Privacy Acts. If the requested information is not given, the reasons for denied access will be given in writing to the person requesting the information.

In accordance with the legislation we reserve the right to charge for information provided, in order to cover the costs involved in providing the information.

**Anonymity**
Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with our service.

**Disposal of information**
We will not store personal information longer than necessary.

In disposing of personal information we will ensure that it is either shredded or destroyed in such a way that no one can access the information.

_Ellie V Pullin Pre-School is responsible for:_

- 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_
- ensuring Ellie V Pullin Preschool complies with the requirements of the Privacy Principles as outlined in the _Health Records Act 2001_, the _Privacy and Data Protection Act 2014 (Vic)_ and, where applicable, the _Privacy Act 1988_ by developing, reviewing and implementing processes and practices that identify:
  - what information Ellie V Pullin Preschool collects about individuals, and the source of the information
  - why and how Ellie V Pullin Preschool 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 Ellie V Pullin Preschool
• ensuring parents/guardians know why the information is being collected and how it will be managed
• providing adequate and appropriate secure storage for personal information collected by Ellie V Pullin Preschool
• developing procedures that will protect personal information from unauthorised access
• 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
• developing procedures to monitor compliance with the requirements of this policy
• ensuring all employees and volunteers are provided with a copy of this policy, including the Privacy Statement of Ellie V Pullin Preschool (refer to Attachment 4)
• ensuring all parents/guardians are provided with Ellie V Pullin Preschool’s Privacy Statement (refer to Attachment 4) and all relevant forms
• informing parents/guardians that a copy of the complete policy is available on request
• ensuring a copy of this policy, including the Privacy Statement, is prominently displayed at Ellie V Pullin Preschool and available on request
• establishing procedures to be implemented if parents/guardians request that their child’s image is not be taken, published or recorded, or when a child requests that their photo not be taken.

Nominated supervisor is responsible for:

• assisting Ellie V Pullin Preschool to implement this policy
• reading and acknowledging they have read the Privacy and Confidentiality Policy (refer to Attachment 3)
• providing notice to children and parents/guardians when photos/video recordings are going to be taken at Ellie V Pullin Preschool
• ensuring educators and all staff are provided a copy of this policy and that they complete the Letter of acknowledgement and understanding (Attachment 3)
• obtaining informed and voluntary consent of the parents/guardians of children who will be photographed or videoed.

Certified supervisors, educators and other staff are responsible for:

• reading and acknowledging they have read the Privacy and Confidentiality Policy (refer to Attachment 3)
• recording information on children, which must be kept secure and may be requested and viewed by the child’s parents/guardians and representatives of DET during an inspection visit
• ensuring they are aware of their responsibilities in relation to the collection, storage, use, disclosure and disposal of personal and health information
• implementing the requirements for the handling of personal and health information, as set out in this policy
• respecting parents’ choices about their child being photographed or videoed, and children’s choices about being photographed or videoed.
Parents/guardians are responsible for:

- providing accurate information when requested
- maintaining the privacy of any personal or health information provided to them about other individuals, such as contact details
- completing all permission forms and returning them to Ellie V Pullin Preschool in a timely manner
- being sensitive and respectful to other parent/guardians who do not want their child to be photographed or videoed
- 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 Ellie V Pullin Preschool, are responsible for following this policy and its procedures.

Evaluation

In order to assess whether the values and purposes of the policy have been achieved, Ellie V Pullin Preschool of Ellie V Pullin Preschool will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- 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 Ellie V Pullin Preschool’s policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

Sources and other related policies

Sources

- Child Care Service Handbook 2011–2012: Section 4.9
- Guidelines to the Information Privacy Principles:
- KPV Early Childhood Management Manual
- Privacy Victoria: www.privacy.vic.gov.au
- Privacy Guide: A guide to compliance with Victorian and Federal privacy laws:
Service policies

- Child Protection Policy
- Code of Conduct Policy
- Complaints and Grievances Policy
- Delivery and Collection of Children Policy
- Enrolment and Orientation Policy
- Information Technology Policy
- Staffing Policy
- Inclusion and Equity Policy

Attachments

- Attachment 1: Additional background information
- Attachment 2: Privacy Principles in action
- Attachment 3: Letter of acknowledgment and understanding
- Attachment 4: Privacy Statement
- Attachment 5: Permission form for photographs and videos
- Attachment 6: Special permission notice for publications/media

Authorisation

This policy was approved and passed by the Ellie V Pullin Committee of Management and adopted by Ellie V Pullin Pre-School on:

1st June 2015

Authorised by: ____________________________ Julie Simpson [President]

Authorised by: ____________________________ Betty Krober [Nominated Supervisor]

Witnessed by: _____________________________

Review Date: June 2018
Early childhood services must ensure that their processes for the collection, storage, use, disclosure and disposal of personal and health information meet the requirements of the appropriate privacy legislation and the *Health Records Act 2001*. The following are examples of practices impacted by the privacy legislation:

- **Enrolment records:** Regulations 160, 161 and 162 of the *Education and Care Services National Regulations 2011* detail the information that must be kept on a child’s enrolment record, including personal details about the child and the child’s family, parenting orders and medical conditions. This information is regarded as sensitive information (refer to *Definitions*) and must be stored securely and disposed of appropriately.

- **Attendance records:** Regulation 158 of the *Education and Care Services National Regulations 2011* requires details of the date, child’s full name, times of arrival and departure, and signature of the person delivering and collecting the child or the Nominated Supervisor/educator, to be recorded in an attendance record kept at Ellie V Pullin Preschool. Contact details may be kept in a sealed envelope at the back of the attendance record or separate folder for evacuation/emergency purposes.

- **Medication records and incident, injury, trauma and illness records:** Regulations 87 and 92 of the *Education and Care Services National Regulations 2011* require Ellie V Pullin Preschool of a service to maintain incident, injury, trauma and illness records, and medication records which contain personal and medical information about the child.

- **Handling and storage of information:** Limited space can often be an issue in early childhood service environments, and both authorised employees and Ellie V Pullin Preschool need access to secure storage for personal and health information. Documents might be required to be stored off Ellie V Pullin Preschool premises. Wherever confidential information is stored, it is important that it is not accessible to unauthorised staff or other persons. When confidential information is required to be taken off-site (e.g. on excursions, a list of children with medical conditions and contact numbers will be required), consideration must be given to how this is transported and stored securely.

- **Computerised records:** It is important that computerised records containing personal or health information are stored securely, and can only be accessed by authorised personnel with a password. Services need to incorporate risk management measures to ensure that passwords are recorded and stored in a secure place at Ellie V Pullin Preschool, and to limit access to the information only to other authorised persons (refer to the *Information Technology Policy*).

- **Forms:** Enrolment forms and any other forms used to collect personal or health information should have Ellie V Pullin Preschool’s *Privacy Statement* (refer to Attachment 4) attached.

- **Collecting information for which there is no immediate use:** A service should only collect the information it needs and for which it has a specific purpose. Services should not collect information that has no immediate use, even though it may be useful in the future.
Attachment 2

Privacy Principles\(^1\) in action

Collection processes (Privacy Principle 1)

1. Type of personal and health information to be collected
Ellie V Pullin Preschool will only collect the information needed, and for which there is a purpose that is legitimate and related to Ellie V Pullin Preschool’s functions, activities 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 Ellie V Pullin Preschool’s legal obligations)
- contact details of other parties that Ellie V Pullin Preschool deals with.

Ellie V Pullin Preschool 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
- For childcare services only: Customer Reference Number (CRN) for children attending childcare services to enable the family to access the Commonwealth Government’s Child Care Benefit (CCB) – failure to provide this would result in parents/guardians not obtaining the benefit.

2. Collection of personal and health information
Personal information about individuals, either in relation to themselves or their children enrolled at Ellie V Pullin Preschool, 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. Individuals from whom personal information is collected will be provided with a copy of Ellie V Pullin Preschool’s Privacy Statement (Attachment 4). When Ellie V Pullin Preschool 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. Ellie V Pullin Preschool 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 Ellie V Pullin Preschool to deny access in accordance with the limited reasons for denial that are contained in the legislation (refer to Privacy Principle 6.1).

\(^1\) Privacy and Data Protection Act 2014 (Vic)
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 Ellie V Pullin Preschool.

**Use and disclosure of personal information (Privacy Principle 2)**

- **Use of information**
Ellie V Pullin Preschool will use personal information collected for the primary purpose of collection (refer to the table below). Ellie V Pullin Preschool 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 Ellie V Pullin Preschool, the primary purpose for its collection and some examples of how this information will be used.

<table>
<thead>
<tr>
<th>Personal and health information collected in relation to:</th>
<th>Primary purpose of collection:</th>
<th>Examples of how Ellie V Pullin Preschool will use personal and health, (including sensitive) information include:</th>
</tr>
</thead>
</table>
| • Children and parents/guardians | • To enable Ellie V Pullin Preschool to provide for the education and care of the child attending Ellie V Pullin Preschool  
• To promote Ellie V Pullin Preschool (refer to Attachments 5 and 6 for permission forms – photographs and videos) | • Day-to-day administration and delivery of service  
• Provision of a place for their child in Ellie V Pullin Preschool  
• Duty rosters  
• Looking after children’s educational, care and safety needs  
• For correspondence with parents/guardians relating to their child’s attendance  
• To satisfy Ellie V Pullin Preschool’s legal obligations and to allow it to discharge its duty of care  
• Visual displays in Ellie V Pullin Preschool  
• Newsletters  
• Promoting Ellie V Pullin Preschool through external media, including Ellie V Pullin Preschool’s website |
- Ellie V Pullin Preschool if an individual, or members of the Committee of Management/Board if Ellie V Pullin Preschool is an organisation
- For the management of Ellie V Pullin Preschool
- For communication with, and between, Ellie V Pullin Preschool, other Committee/Board members, employees and members of the association
  - To satisfy Ellie V Pullin Preschool’s legal obligations
- Job applicants, employees, contractors, volunteers and students
  - To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be
  - To administer the employment, contract or placement
- Administering the individual’s employment, contract or placement, as the case may be
  - Ensuring the health and safety of the individual
  - Insurance
  - Promoting Ellie V Pullin Preschool through external media, including Ellie V Pullin Preschool’s website

**Disclosure of personal information, including health information**
Ellie V Pullin Preschool 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 Ellie V Pullin Preschool to disclose information.

**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.
Storage and security of personal information (Privacy Principle 4)
- In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, Ellie V Pullin Preschool and staff will ensure that, in relation to personal information:
- access will be limited to authorised staff, Ellie V Pullin Preschool 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:
  - emails will only be sent to a person authorised to receive the information
  - faxes will only be sent to a secure fax, which does not allow unauthorised access
  - 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.

Data quality (Privacy Principle 3)
Ellie V Pullin Preschool will endeavour to ensure that the personal information it holds is accurate, complete, up to date and relevant to its functions and/or activities.

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.

Access to personal information (Privacy Principle 6)

- Access to information and updating personal information
  Individuals have the right to ask for access to personal information Ellie V Pullin Preschool 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 Ellie V Pullin Preschool 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 Privacy and Data Protection Act 2014 (Vic), 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
• Ellie V Pullin Preschool is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

❖ 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 Ellie V Pullin Preschool/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. Ellie V Pullin Preschool will endeavour to respond to this request within 45 days of receiving the request.

Ellie V Pullin Preschool 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, Ellie V Pullin Preschool 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 Ellie V Pullin Preschool, the right to request the correction of information that is held. Ellie V Pullin Preschool will respond to the request within 45 days of receiving the request for correction. If the individual is able to establish to Ellie V Pullin Preschool’s satisfaction that the information held is incorrect, Ellie V Pullin Preschool will endeavour to correct the information.
Attachment 3  [Place on service letterhead]

Letter of acknowledgement and understanding

Dear [Insert Name],

Re: Privacy and Confidentiality Policy

Please find attached the Ellie V Pullin Preschool Privacy and Confidentiality Policy, which outlines how Ellie V Pullin Preschool will meet the requirements of the Victorian Health Records Act 2001 and the Victorian Privacy Act 2000 (or where applicable, the Privacy Act 1988) in relation to both personal and health information.

Employees have an important role in assisting Ellie V Pullin Preschool to comply with the requirements of the privacy legislation by ensuring they understand and implement the Ellie V Pullin Preschool Privacy and Confidentiality Policy. Therefore, all employees are required to read this policy and complete the attached acknowledgement form.

Please return the completed form by [Date].

Yours sincerely,

[insert staff member name]
[insert staff member role]
(on behalf of Ellie V Pullin Preschool)

Please note: this form will be kept with your individual staff record.

[Service Name]

Acknowledgement of reading the Privacy and Confidentiality Policy

I, , have received and read the service’s Privacy and Confidentiality Policy.

Signature:
Date:
We believe your privacy is important.
Ellie V Pullin Preschool has developed a Privacy and Confidentiality 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.

<table>
<thead>
<tr>
<th>Personal information and health information collected in relation to:</th>
<th>Primary purpose for which information will be used:</th>
</tr>
</thead>
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| • Children and parents/guardians | • To enable us to provide for the education and care of the child attending Ellie V Pullin Preschool  
• To manage and administer Ellie V Pullin Preschool as required |
| • Ellie V Pullin Preschool if an individual, or members of the Committee of Management/Board if Ellie V Pullin Preschool is an organisation | • For the management of Ellie V Pullin Preschool  
• To comply with relevant legislation requirements |
| • Job applicants, employees, contractors, volunteers and students | • To assess and (if necessary) to engage employees, contractors, volunteers or students  
• To administer the individual’s employment, contracts or placement of students and volunteers |

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 arrangements  
• 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 Ellie V Pullin Preschool
• a person’s employment with Ellie V Pullin Preschool
• 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 and Confidentiality Policy, which is available on request. For information on the Privacy and Confidentiality Policy, please refer to the copy available at Ellie V Pullin Preschool or contact Ellie V Pullin Preschool/Nominated Supervisor.
Attachment 5

Permission form for photographs and videos

Background information
Photographs and videos are now classified as 'personal information' under the *Privacy and Data Protection Act 2014 (Vic).*
The purpose of this permission form is to:

• comply with the privacy legislation in relation to all photographs/videos taken at Ellie V Pullin Preschool, whether by Ellie V Pullin Preschool, Nominated Supervisor, Certified Supervisor, educators, staff, parents/guardians, volunteers or students on placement
• enable photographs/videos of children to be taken as part of the program delivered by Ellie V Pullin Preschool, 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 Ellie V Pullin Preschool may take photographs/videos of children as part of the program. These may be displayed at Ellie V Pullin Preschool, on the Ellie V Pullin Preschool website or placed in Ellie V Pullin Preschool’s publications or promotional material to promote Ellie V Pullin Preschool, or for any other purpose aligned to Ellie V Pullin Preschool’s business operations. Some staff may use learning journals in which photographs are included. When the photographs/videos are no longer being used, Ellie V Pullin Preschool will destroy them if they are no longer required, or otherwise store them securely at Ellie V Pullin Preschool. It is important to note that while Ellie V Pullin Preschool can nominate the use and disposal of photographs they organise, Ellie V Pullin Preschool has no control over those photographs taken by parents/guardians of children attending Ellie V Pullin Preschool 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 Ellie V Pullin Preschool 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 Ellie V Pullin Preschool
A photographer may be engaged by Ellie V Pullin Preschool 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, Ellie V Pullin Preschool website and other external publications
The permission of parents/guardians of children will, on every occasion, be obtained prior to a child's photograph being taken to appear in any newspaper/media or external publication, including Ellie V Pullin Preschool’s newsletter, publications and website.

Photographs/videos taken by students on placement
Students at Ellie V Pullin Preschool 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 Ellie V Pullin Preschool's Privacy and Confidentiality Policy, which is displayed at Ellie V Pullin Preschool 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
ATTACHMENT 6
Special permission notice for publications/media

Use of photographs, digital recordings, film or video footage of children in media, newspapers and publications, including any service publication or media outlet

[Date]

Dear [insert name of parent/guardian],

The purpose of this letter is to obtain permission for your child to be photographed or filmed by [insert name of the organisation/individual taking the photograph or filming the child] and for your child’s photograph, digital recording, film or video footage to appear in [insert name of the newspaper, publication (including the service’s publication) or media outlet where it will be displayed].

I, ___________________________________________ , consent/do not consent to my child [insert name of child] being photographed or filmed by [insert name of the organisation/individual taking the photograph or filming the child] and for my child’s photograph, digital recording, film or video footage to appear in the following publication and/or media outlet: [insert name of the newspaper, publication (including the service’s publication) or media outlet where it will be displayed].

_________________________________________ __________ __________________
Signature (parent/guardian) Date