



PRIVACY AND CONFIDENTIALITY POLICY

The right to confidentiality and privacy of the client, children and the family is mandatory. The right to privacy of all clients, children and their families, and volunteers and staff of the Organisation will be upheld and respected, whilst ensuring that all clients, families and their children have access to high quality services and support.

NATIONAL QUALITY STANDARD (NQS)

GOVERNANCE AND LEADERSHIP		
	Governance	Governance supports the operation of a quality organisation
	Organisation philosophy and plans	A statement of philosophy and strategic action plan guides all aspects of the organisations operations.
	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service’s.
	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the organisation.
	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

PURPOSE

To ensure that the confidentiality of information and files relating to the clients, children, families, staff, agencies, volunteers and visitors using the Organisation is upheld at all times. We aim to protect the privacy and confidentiality by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records, ensuring that all records and information about individual clients, children, families, volunteers, staff, agencies and management are held in a secure place and are only retrieved by or released to people who have a legal right to access this information.

SCOPE

This policy applies to clients, children, families, staff, volunteers, agencies, management, and visitors of Heavenly Homes International.





IMPLEMENTATION

Organisations are required to comply with Australian privacy law which includes the *Privacy Act 1988* (the Act) which was amended in February 2017, with changes taking effect on February 22, 2018.

The new law introduces a Notifiable Data Breaches (NDB) scheme for organisations, to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy Commissioner) and affected individuals of any data breaches that are “likely” to result in “serious harm.”

Organisations that suspect an eligible data breach may have occurred, must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected. A failure to notify that is found to constitute a serious interference with privacy under the Privacy Act may result in a fine of up to \$360,000 for individuals or \$1.8 million for organisations.

In order to comply, organisations are required to follow the Australian Privacy Principles (APPs), which are contained in Schedule 1 of the *Privacy Act 1988* (Privacy Act).

In particular, the principles cover how personal information can be used and disclosed (including overseas), keeping personal information secure, and the open and transparent management of personal and other private information.

The principles cover:

- The open and transparent management of personal information, including having a privacy policy
- An individual having the option of transacting anonymously or using a pseudonym where practicable
- The collection of solicited personal information and receipt of unsolicited personal information including giving notice about collection
- How personal information can be used and disclosed (including overseas)
- Maintaining the quality of personal information
- Keeping personal information secure
- Right for individuals to access and correct their personal information

The APPs place more stringent obligations on APP entities when they handle ‘sensitive information’.

Sensitive information is a type of personal information and includes information about an individual's:

- Health (including predictive genetic information)
- racial or ethnic origin
- political opinions





- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexual orientation or practices
- criminal record
- biometric information that is to be used for certain purposes
- Biometric templates.

Australian Privacy Principles (APPs)

APP 1 – Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 – Anonymity and Pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 – Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 – Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 – Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 – Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 – Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 – Cross-order disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 – Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 – Quality of personal information





An **APP** entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 – Security of personal information

An **APP** entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 – Access to personal information

Outlines an **APP** entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 – Correction of personal information

Outlines an **APP** entity's obligations in relation to correcting the personal information it holds about individuals.

MANAGEMENT WILL:

- Provide Volunteers, Staff and associated agencies with relevant information regarding changes to law and Organisational policy.
- Ensure all relevant volunteers, staff and agencies understand the requirements under Australia's privacy law.
- Maintain currency with the Australian Privacy Principles (this may include delegating a staff member/volunteer to oversee all privacy-related activities to ensure compliance).
- Ensure personal information is protected in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012*.
- Ensure all records and documents are maintained and stored in accordance with Policies and Regulations.
- Ensure the Organisation acts in accordance with the requirements of the Privacy Principles and *Privacy Act 1988* by developing, reviewing, and implementing procedures and practices that identify:
 - the name and contact details of Heavenly Homes International;
 - what information the organisation collects and the source of information;
 - why the information is collected;
 - who will have access to the information;
 - collection, storage, use, disclosure, and disposal of personal information collected by the service;
 - any law that requires the particular information to be collected;





- adequate and appropriate storage for personal information collect by the organisation;
- protection of personal information from unauthorised access.
- Ensure the appropriate and permitted use of images of clients, family, volunteers, staff and children.
- Ensure all employees, students, volunteers, and families are provided access to this policy.
- Deal with privacy complaints promptly and in a consistent manner, following the Heavenly Homes Int. Grievance Procedures.
- Ensure clients, families only have access to the files and records of their own information and that of their children.
- Ensure information given to staff and volunteers will be treated with respect and in a professional and confidential manner.
- Ensure client, family, volunteer, and staff files are stored in a locked and secure cabinet.
- Ensure Information relating to staff employment and volunteer arrangements will remain confidential and available only to the people directly involved with making personnel decisions.
- Ensure that information shared with us by the client, family will be treated as confidential unless told otherwise.

THE TEAM LEADERS, ADMINISTRATION and DIRECTORS WILL:

- Adhere to Heavenly Homes int. policies and procedures, supporting management.
- Ensure staff, volunteers, agencies and families are aware of the privacy and confidentiality policy.
- Ensure the Organisation obtains consent from clients, parents and/or guardian of children who will be photographed or videoed by the service.
- Ensure clients, families only have access to the files and records of their own children.
- Ensure that information given to Volunteers and staff will be treated with respect and in a confidential and professional manner.
- Ensure only necessary information regarding the clients, families and children day-to-day health and wellbeing is given to non-primary contact volunteers; for example food allergy information.
- Not discuss individual clients, families and children with people other than the client, family, volunteers, except for the purposes of planning or group/individual management. Communication in other settings must be approved by the client/ family beforehand.
- Ensure that information shared with us by the client/ family/agencies will be treated as confidential unless told otherwise.

VOLUNTEERS/STAFF WILL:

- Read and adhere to the privacy and confidentiality policy at all times.





- Ensure documented information and photographs of clients, children are kept secure but may be accessed at any time by the client and or child’s parents or guardian.
- Ensure families only have access to the files and records of their own children and family information.
- Treat private and confidential information with respect in a professional manner.
- Will not discuss individual clients, families and children with people other than the client/ family of the client/ child, except for the purposes of planning or group management. Communication in other settings must be approved by the client/ family beforehand.
- Ensure that information shared with us by the client/ family/child will be treated as confidential unless told otherwise.
- Maintain individual and Organisational information and store documentation according to this policy at all times.
- Not share information about the individual or Organisation, management information, or other staff/volunteer as per legislative authority.

Personal information our organisation may request in regards to client/family/ children:

- Contact details
- Emergency contact details and persons authorised to act on behalf of client’s, family and children
- Client, family, child health requirements
- Immunisation records
- Life experiences records and summaries
- External agency information
- Custodial arrangements
- Incident reports
- Medication reports
- Medical records
- Permission forms

Personal information our Organisation may request in regards to volunteers/staff:

- Personal contact details
- Tax information
- Working contract
- Emergency contact details





- Medical details
- Immunisation details
- Working with children check
- Qualifications
- Medical history
- Resume
- Superannuation details
- Child Protection qualifications
- Federal Police Clearance
- References
- First Aid, Asthma and Anaphylaxis certificates

SOURCE:

Australian Childcare Alliance. (2019). Changes to Australia’s privacy law: What ECEC services need to know: <https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know>

Office of the Australian Information Commission – Australian Privacy Principles: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Privacy Act 1988.

United Nations Convention of the Rights of a child.

United Nations Human Rights

REVIEW

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
Oct 2020	New policy drafted for Heavenly Homes International	Oct 2022

