



Leadership and Service Management

Privacy and confidentiality of records

Authorisation	This policy was endorsed by the Board of Management February 25 th 2020
Review frequency	This policy shall be reviewed every three years or sooner if legislative or other changes or new information require an earlier review.
Scope	This policy applies to staff, Board of Management,
Legislation	<p>Education and Care Services National Law 2010 Education and Care Services National Regulations Regulation 168(2)(l) Information Privacy Act 2000 The Privacy and Data Protection Act 2014 (Vic) Health Records Act 2001 The Privacy Act 1988 (Cth) Freedom of Information Act 1982 National Disability Insurance Scheme (NDIS) Act 2013 National Disability Insurance Scheme (NDIS) Code of Conduct Rules 2018 National Disability Insurance Scheme (NDIS) (Provider Registration and Practice Standards) Rules 2018</p>
National Quality Standard (updated 2018)	7. Leadership and Service Management: 7.1.1, 7.1.2, 7.2.1, 7.2.2, 7.2.3
National Disability Insurance Scheme (NDIS) Practice Standards	Core Module: 1. Rights and Responsibilities 2. Provider Governance and Operational Management
Related Policy	<p>Governance Enrolment and orientation Dealing with complaints Dealing with Medical conditions</p>

Policy Statement

As part of managing and operating the service, Bubup Wilam Aboriginal Child and Family Centre collects personal information about children, parents/guardians and employees. The service is committed to protecting the privacy of all information collected. All employees, Board of Management members, volunteers and students on placement are required by law to protect the personal information the service collects and holds. All members of Bubup Wilam Aboriginal Child and Family Centre's community have the right to understand how their personal information will be stored, used and disposed of. In this policy, personal information refers to personal information, health information and sensitive information unless otherwise specified.

1. Guidelines

- 1.1 Bubup Wilam Aboriginal Child and Family Centre is committed to:
- Respecting all children, parents/guardians, authorized nominees, job applicants, contractors and employee's right to confidentiality regarding all communications with the service.
 - Complying with all statutory and legislative requirements regarding the collection, storage and disclosure of all personal, health and/or sensitive information with particular reference to the Health Records Act 2001 and the Information Privacy Act 2000.
- 1.2 Bubup Wilam Aboriginal Child and Family Centre is bound by the *Education and Care Services National Law* and the *Education and Care Services National Regulations*, Victorian privacy laws, the *Information Privacy Act 2000*, the *Health Records Act 2001*, the *National Disability Insurance Scheme (NDIS) Act 2013* (where relevant), as well as other laws that impose specific obligations in regard to handling personal and health information that directly or indirectly identifies a person. The privacy policy and principles in this document are in accordance with these laws, the Department of Education and Training (DET) Information Privacy Policy, and the National Disability Insurance Scheme (NDIS) Practice Standards. In broad terms, this means that Bubup Wilam Aboriginal Child and Family Centre:
- only collects information which is required for a specified primary purpose
 - ensures that the person supplying the information knows why the information is collected and how it will be handled
 - uses and discloses information only for the primary or a directly related purpose, or for another purpose with the person's consent (unless otherwise required, permitted or authorized by law)
 - stores information securely, protecting it from unauthorized access and retaining it for the period authorized by the *Public Records Act 1973*, and takes reasonable steps to permanently de-identify personal or health information when it is no longer needed
 - provides people with access to their own personal information and permits people to seek corrections if necessary. This will usually be handled under the *Freedom of Information Act 1982*.
- 1.3 **Personal information** means information or opinion that is recorded in any form (whether true or not) about an individual whose identity is apparent or can be reasonably determined from the information or opinion. This includes all paper and electronic records, photographs and video recordings.
- 1.4 **Health information** is defined as including information or opinion about a person's physical, mental or psychological health, or disability, which is also classified as personal

information. This includes information or opinion about a person's health status and medical history, records of health checks, and allied health assessments and interventions provided through the Early Childhood Intervention Service (ECIS) program, whether recorded or not.

1.5 **Sensitive information** is defined as information relating to a person's racial or ethnic origin, political opinions, religion, trade union, or other professional or trade association membership, sexual preferences, or criminal record that is also classified as personal information about an individual.

2. Procedure

Bubup Wilam Aboriginal Child and Family Centre will:

- 2.1 upon collection of personal information:
 - address the privacy issues relevant to their functions and only collect and use this information in accordance with the privacy principles
 - manage this information according to privacy policies created for the area of service DET and NDIS provides in accordance with the privacy principles.
- 2.2 use and disclose personal information about a child, parent/guardian and employees when:
 - it is required for general administration duties and statutory functions
 - it relates to the purposes for which it was collected, and
 - for a purpose that is directly related to the reason the information was collected and the use would be reasonably expected by the individual and there is no reason to believe they would object to the disclosure.
- 2.3 disclose personal information for another purpose when:
 - the person consents, or
 - it is necessary to lessen or prevent a serious or imminent threat to life, health or safety, or
 - is required by law or for law enforcement purposes
- 2.4 where consent for the use and disclosure of personal information is required, seek consent from the appropriate person. In the case of a child's personal information, the service will seek the consent from the parent/guardian
- 2.5 upon receipt of a complaint about personal information privacy, investigate the complaint in accordance with the DET privacy complaints handling policy. If complaints pertain to the provision of NDIS services, they will be handled in accordance with the requirements under the *National Disability Insurance Scheme Code of Conduct Rules 2018 (Complaints Management and Resolution)*.

Staff will:

- 2.6 implement this policy in their capacity as an employee of this service.
- 2.7 ensure they do not share sensitive information for personal use that relates to Bubup Wilam or regarding families, children or employees outside of the service, including not posting on social media platforms.

Parents will:

- 2.8 support the implementation of this policy and provide feedback to the Board of Management.
- 2.9 ensure they do not take any photographs of children using a personal camera/camera phone while the children are under the care of Bubup Wilam Aboriginal Child and

Family Centre. Parents may take photographs of their own child/ren with permission from Bubup Wilam staff. Photos of children (other than own children) must not be shared outside of Bubup Wilam on any social media platforms or for personal reasons without permission from Bubup Wilam Aboriginal Child and Family Centre.

3. Review

- 3.1 Regular review of this policy will be conducted in line with the National Quality Framework's Quality Improvement Planning Process, other relevant compliance requirements (including the NDIS Practice Standards), and the *Review Ratification Schedule*. Feedback about this policy will be sought from parents/guardians, employees and the Board members to inform any amendments to this policy.
- 3.2 The next scheduled review date of this policy can be located at the front of this document in the *Ratification and Review Table*.

4. References / resources

- 4.1 *Education and Care Services National Law 2010*
- 4.2 *Education and Care Services National Regulations 2011*
- 4.3 *Guide to the Education and Care Services National Law and Education and Care Services National Regulations*
- 4.4 *Guide to the National Quality Standard*
- 4.5 Privacy Victoria, www.privacy.vic.gov.au
- 4.6 Health Records Act 2001
- 4.7 Information Privacy Act 2000
- 4.8 Public Records Act 1973
- 4.9 Freedom of Information Act 1982.
- 4.10 Department of Education and Training;
 - DET's Information Privacy Policy
 - DET's IT Security Policy
 - DET's Acceptable Use Policy for Internet, e-mail and other electronic communications<http://www.education.vic.gov.au/about/deptpolicies/informationprivacy.htm>
- 4.11 National Disability Insurance Scheme (NDIS) (Provider Registration and Practice Standards) Rules 2018
- 4.12 National Disability Insurance Scheme (NDIS) (Code of Conduct) Rules 2018