

Privacy, Confidentiality and Record Keeping Policy

Date Approved by Committee of Management:	18/01/2023
Date for Review:	18/01/2026

PURPOSE

This policy has been developed to comply with our obligations under the *Privacy Act 1988 (Cth)* and *Health Records Act 2001 (Vic)* and to the requirements of the Australian Privacy Principles (APPs) contained in the Privacy Act.

SCOPE

This policy applies to Committee of Management, staff, students, families, volunteers, student teachers and visitors to Beechworth Montessori.

POLICY STATEMENT

Beechworth Montessori protects the privacy, dignity and confidentiality of individuals by ensuring that all records and information about individual children, families, staff and management is treated with discretion and kept in a secure place and only accessible by or disclosed to authorised people who need the information to fulfil their responsibilities at the school or have a legal right to know. Personal information will only be collected in so far as it relates to the school's activities and functions and in line with relevant legislation.

Beechworth Montessori will:

- abide by legislative privacy requirements in relation to how personal and health information is collected, used, disclosed and stored
- maintain accurate records whilst ensuring privacy in accordance with relevant legislation
- ensure systems are in place for the appropriate use, storage and disposal of records
- ensure information is only shared with relevant or authorised people as defined within authorisations of the Education and Care Services National Regulations (Regulations 182 and 183)
- abide by freedom of information requirements.

PROCEDURE

Our school collects the following types of information:

- Information about students and their families such as contact and enrolment details, health information, and parenting and access arrangements.
- Information about job applicants, staff, volunteers and visitors such as qualifications, working with children checks, teacher registration and banking details.

This information needs to be maintained and managed by the school in a private and confidential manner. The school will maintain private and confidential files for educators, children and their families. These records will be securely stored and maintained. The school will maintain records according to the Australian Privacy Principles.

Australian Privacy Principles

- **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.
- **APPs 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 tell an individual about 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-border 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 behaviour** 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.

In relation to students and parents/guardians our school will:

- Maintain accurate up-to-date enrolment records, including immunisation updates, contact details of family members, emergency contact information and any medical or legal information.
- Ensure that such information is not divulged or communicated, directly or indirectly, to another person other than the ways outlined as appropriate in the Education and Care Services National Regulations 2001 (Reg 181, 182) which states information can be communicated:
 - To the extent necessary for the education and care or medical treatment of the child to whom the information relates.
 - A parent of the child to whom the information relates (except information in a staff record).
 - The regulatory authority or an authorised officer.
 - As expressly authorised, permitted or required to be given by or under any act or law.
 - With the written consent of the person who provided the information.
- Personal information will be kept in a secure and confidential way, and destroyed by shredding.
- Visual images of enrolled children will not be taken, recorded, removed from the school, or used for any purpose without the written consent of the parent/guardian.
- Confidential conversations that educators have with family members will be conducted in a quiet area away from other children and parents.
- Treat private and confidential information with respect in a professional manner

In relation to staff members and the overall management of the school:

- Accurate staff records and employee information will be stored securely and updated as necessary.
- All staff members, specialist teachers and volunteers are required to agree to a *Child Safe Code of Conduct* which details expected behaviours and unacceptable behaviours.
- No member of staff may give information or evidence on matters relating to students and/or their families, either directly or indirectly, to anyone other than the responsible parent/guardian, unless prior written approval is obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law.
- Confidential information may be exchanged in the normal course of work with other staff members at the school when this is reasonably needed for the proper operation of the school and the wellbeing of users and staff.
- Staff are aware of the need for sensitivity and confidentiality in handling information regarding child protection issues.
- Reports, notes and observations about students must be accurate and free from biased comments and negative labelling of students.
- Staff will protect the privacy and confidentiality of other staff members by not relating personal information about another staff member to anyone either within or outside the school.
- Students on work experience and volunteers will not make staff, students or families at the school an object for discussion outside of the school nor will they at any time use family names in recorded or written information without approval.
- All matters discussed at Committee meetings will be treated as confidential.

Recordkeeping

All records will be created, maintained and disposed of in accordance with Public Record Office Victoria Recordkeeping Standards, including minimum retention periods. Staff and volunteers are made aware of their obligations on information sharing and recordkeeping.

RELATED POLICIES

- Governance and Management of the Service
- Complaints Resolution
- Child Safe Environment
- Inclusion, Equity and Diversity
- Enrolment
- Fees

LEGISLATIVE REFERENCES

- Education and Care Services National Law Act 2010
- Education and Care Services National Quality Regulations
- Privacy Act 1988
- Australian Privacy Principles
- ECA Code of Ethics
- VIT Code of Conduct
- Public Record Office Victoria Recordkeeping Standard
- Health Records Act 2001 (Vic)