

PRIVACY POLICY

DATE OF APPROVAL 29 April 2004.

REVIEW DATE 2006

1. Scope

This policy applies to the Committee, employees employed by the Committee, contractors, and parents/guardians of preschools and child care centres that include a subsidised preschool program.

2. Background and Legislation

The Victorian government has introduced two new privacy statutes, which come into force in 2002. These are:

- The **Health Records Act 2001** which regulates privacy of health information handled by the public and private sector bodies in Victoria, and is operable from 1 July 2002;
- The **Information Privacy Act 2000** which protects personal information held by Victorian government agencies, statutory bodies and local councils, and some of the companies/organisations contracted to provide services to government, eg. preschool services. This Act becomes operable on 1 September 2002, but does not cover health information.

All children's services will need to comply with the Victorian Health Records Act 2001 because a large percentage of the information they collect on children could be considered as "health information".

Preschool services which receive funding from the Department of Human Services (DHS) to provide preschool services, will be required to meet the requirements of the Victorian Information Privacy Act 2000, and this requirement will appear in future service agreements.

The Commonwealth government has also extended their privacy legislation to the private sector through the **Privacy Amendment (Private Sector) Act 2000**, which was operable from December 2001. Compliance with this legislation is limited to organisations with an annual turn over of over \$3 million or those that, in essence, trade in personal information.

In summary, we are bound by the Health Records Act 2001 whenever we deal with health information. We are only bound by the Information Privacy Act 2000 when we are contracted to the DHS or state government to provide services, and we are only bound to follow the Act in relation to those contracted services eg. Funded preschool services. We are not bound by the Federal Privacy Act.

3. Definitions

Personal information is defined as information recorded in any form, which identifies a person or describes them in a way that their identity can be determined. This includes paper and electronic records, photographs, video recordings etc and includes both facts and opinion, if it is about an identifiable person.

Health information The Health Records Act 2001 defines "Health information" as including information or opinion about a person's physical, mental or psychological health or disability that is also classified as personal information. This includes

information or opinion about a person's health status, medical history, fitness levels and vital statistics, such as weight and height.

Sensitive information applies under the Information Privacy Act 2000 and 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.

In this policy we refer to personal information as including health information and sensitive information, unless we specify otherwise.

4. Policy Statement

We believe your privacy is important. This policy states our personal information handling practices, as required by the applicable legislation, Information Privacy Principle (IPP) 5 and Health Privacy Principle (HPP) 5.

5. Procedures

5.1 Distribution of this policy

This policy will be:

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

5.2 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 fulfill our legal obligations),
- Contact details of other parties with which the service 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/guardian 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.
- *For childcare services only* Customer Reference Number (CRN) for children attending childcare services in order for them to access Childcare Benefit. Failure

to provide this would result in the parents/guardian not obtaining the Childcare Benefit

Personal information provided by individuals either in relation to themselves or their children using the service. 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 (Information Privacy Act 2000).

5.3 Notification of individuals or the parents/guardians of personal or 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.

5.4 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:

Personal information and health information collected in relation to:	Primary purpose of collection	Examples of how the service will use personal information, including sensitive and health information include:
Children and parents/guardians	To enable us to provide for the education and care of the child attending the service	<ul style="list-style-type: none"> • Day to day administration; • Provision of a place for their child in the service; • Duty rosters; • Looking after children's educational, care and safety needs; • For correspondence with parents/guardians relating to their child's attendance; • To satisfy the service's legal obligations and to allow it to discharge its duty of care. • For the group contact list
Committee members	For the management of the service by the Committee of Management.	<ul style="list-style-type: none"> • For communication with and between Committee members, employees and members of the association; • To satisfy the service's legal obligations
Job applicants, employees, contractors, volunteers and students	<p>To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be.</p> <p>To administer the employment, contract or placement.</p>	<ul style="list-style-type: none"> • Administering the individual's employment, contract, or placement, as the case may be; • Health and safety; • Insurance purposes; • Satisfying the service's legal obligations, for 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.

5.5 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 and 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 the service to disclose information.

5.6 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.

5.7 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.

5.8 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.

5.9 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 the service 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. An example 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.
- The service 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 the service 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.

5.10 Anonymity

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

5.11 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.

6. Key Responsibilities and Authorities

The Committee is responsible for ensuring the overall responsibility for the implementation of this policy.

Both the Committee of Management and employees are responsible for the collection, use, disclosure, access, storage and disposal of information in line with this policy and the Privacy Principles set out in the Victorian Health Records Act 2001 and the Information Privacy Act 2000.

7. Resources and Support

Further information can be obtained from:

- Health Services Commissioner (03) 8601 5200 or 1800 136066 or www.health.vic.gov.au/hsc/
- Victorian Privacy Commissioner (03) 8619 8719 or 1300 666444 or www.privacy.vic.gov.au

8. Evaluation

We will from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to its operations and practices, and to make sure it remains appropriate to the changes in the environment in which it operates.

St Pauls Kindergarten

Privacy Policy -Collection Statement

In 2004, St Paul's Kindergarten put in place a Privacy Policy which describes the personal and health information we collect and how it is used, disclosed, managed and transferred. The full policy is documented in the Kindergarten Policy Book and available on request.

Our service is, in some of its activities, bound by privacy legislation. If we need to collect health information we are subject to the Health Records Act (Vic). If we have collected information as a service provider to the state government, we are covered by the Information Privacy Act (Vic). Otherwise, for all other transactions involving personal information, we are not covered by privacy legislation, and our Privacy Policy may not apply.

Purpose for which information is collected.

The reasons for which we generally collect personal information are:

Personal information and health information collected in relation to:	Primary purpose for which information will be used
Children and parents/guardians	To enable us to provide for the education and care of the child attending the service and to enable us to manage and administer the services as we are required.
Committee members	For the management of the service by the Committee.
Job applicants, employees, contractors, volunteers and students	To assess and (if necessary) to engage the employees, contractors, volunteers or students, as the case may be; To administer the individuals employment, contracts or placement of students and volunteers.

You should be aware that under relevant privacy legislation, other uses and disclosures of personal information are permitted, as set out in that legislation.

Disclosure of personal information, including health information.

We may disclose some personal information, including health information, held about an individual to:

- Government departments or agencies as part of our legal and funding obligations;
- Local Government in relation to enrolment details for planning purposes;
- Organisations providing services related to employee entitlements and employment;
- Anyone to whom the individual authorises us to disclose information.

Laws that require us to collect specific information.

The Children's Services Regulations 1998, Children's Services Act 1996, Incorporations Act 1981 and employment related laws and agreements require us to collect specific information. Failure to provide the required information could affect:

- A child's enrolment at the service;
- An employee's employment;
- The Committee's ability to function as an incorporated association.

Access to information.

Individuals on 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 Policy, which is available on request.

For information on the Privacy Policy please contact the Vice President or Secretary.