

# PRIVACY AND CONFIDENTIALITY POLICY

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QA 7- Mandatory

## PURPOSE

This policy will provide guidelines:

- for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information at Hurlingham Preschool
- to ensure compliance with privacy legislation.

## POLICY STATEMENT

### 1. VALUES

Hurlingham 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 the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in day-to-day Charge, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Hurlingham 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 *Information Privacy Act 2000* (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)
- *Information Privacy Act 2000* (Vic)
- *National Quality Standard*, Quality Area 7: Governance and Leadership
- *Privacy Act 1988* (Cth) (also incorporating the Australian Privacy Principles)
- *Privacy Amendment (Notifiable Data Breaches) Act 2017*
- *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.

***Freedom of Information Act 1982:*** Legislation regarding access and correction of information requests.

***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.

***Information Privacy Act 2000:*** State legislation that protects personal information held by Victorian Government agencies, statutory bodies, local councils and some organisations, such as early childhood services contracted to provide services for government.

***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 Principles:*** The Privacy Principles as outlined in the *Health Records Act 2001*, the *Information Privacy Act 2000* and, where applicable, the *Privacy Act 1988* are guidelines by developing, reviewing and implementing processes and practices that identify:

- what information the service collects about individuals, and the source of the information
- why and how the service 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 the service

***Privacy Amendment (Notifiable Data Breaches) Act 2017:*** The passage of the *Privacy Amendment (Notifiable Data Breaches) Act 2017* established the Notifiable Data Breaches (NDB) scheme in Australia. The NDB scheme applies to all agencies and organisations with existing personal information security obligations under the Australian *Privacy Act 1988* (Privacy Act) from **22 February 2018**.

The NDB scheme introduced an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm. This notification must include recommendations about the steps individuals should take in response to the breach. The Australian Information Commissioner (Commissioner) must also be notified of eligible data breaches.

***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.

***Privacy Contact Officer:*** The person in an organisation appointed as the first point of contact for advice on privacy matters for their service

***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 party, 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.

## 5. SOURCES AND RELATED POLICIES

### Sources

- *Child Care Service Handbook 2011–2012*: Section 4.9 <https://www.education.gov.au/child-care-service-handbook>
- Guidelines to the Information Privacy Principles: <https://www.oaic.gov.au/>
- ELAA *Early Childhood Management Manual*  
[https://elaa.org.au/services\\_resources/shop\\_resources/manuals\\_1](https://elaa.org.au/services_resources/shop_resources/manuals_1)
- Office of the Health Services Commissioner: [www.health.vic.gov.au/hsc/](http://www.health.vic.gov.au/hsc/)
- Privacy Victoria: <https://www.cpdv.vic.gov.au/>
- Office of the Australian Information Commissioner: <https://www.oaic.gov.au/>

### 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*

## PROCEDURES

### The Approved Provider and Persons with Management or Control are 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 the service complies with the requirements of the Privacy Principles as outlined in the *Health Records Act 2001*, the *Information Privacy Act 2000* and, where applicable, the *Privacy Act 1988* by developing, reviewing and implementing processes and practices that identify:
  - what information the service collects about individuals, and the source of the information
  - why and how the service 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 the service
- ensuring the service complies with the Privacy Amendment (Notifiable Data Breaches) Act 2017 and notifies the Office of the Australian Information Commissioner (OAIC)
- establishing procedures for and appointing a Privacy Contact Officer as the first point of contact for advice on privacy matters for Hurlingham 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 the service
- developing procedures that will protect personal information from unauthorised access including but not limited to laptops and mobile phones
- 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 or access to this policy, including the *Privacy Statement* of the service (refer to Attachment 4)
- ensuring all parents/guardians are provided with the service'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 accessible in the Policy Folder in the foyer and a hard copy 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
- establishing procedures to be implemented if parents/guardians request that their child's contact details (or part thereof), or birthday details are not to be shared
- establishing procedures for the staff and Committee of Management to follow with regard to privacy

**The Nominated Supervisor and Person in Day to Day Charge responsible for:**

- assisting the Approved Provider and Persons with Management or Control to implement this policy and subsequent procedures
- 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 the service
- 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.

**All educators are responsible for:**

- reading, complying with 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 the service 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 the service, 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, the Approved Provider of Hurlingham Preschool will:

- where appropriate, 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 the service's policy review cycle, or as required
- notify parents/guardians, where appropriate, at least 14 days before making any significant changes to this policy or its procedures.

## **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 adopted by the Approved Provider of Hurlingham Preschool on 15<sup>th</sup> June 2018.

**Review date: 15/06/2019**

## ATTACHMENT 1

### Additional background information

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 the service. 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 the Approved Provider 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 the Approved Provider need access to secure storage for personal and health information. Documents might be required to be stored off the service 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 the service, 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 the service'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 STATEMENT**

#### **1. Collection processes (Privacy Principle 3)**

##### **1.1 Type of personal and health information to be collected**

The service will only collect the information needed, and for which there is a purpose that is legitimate and related to the service's functions 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 the service's legal obligations)
- contact details of other parties that the service deals with.

The service 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. Collection of personal and health information
- Parental occupation information as requested by DET to enable government funding

The private information we are required to collect includes but is not limited to:

- your name, address, date of birth and full name, date of birth and address of the child
- name, address and contact details for:
  - each known parent
  - any emergency contacts
  - any authorised nominee
  - any person who is authorised to consent to medical treatment or administration of medication
  - any person who is authorised to give permission to an educator to remove the child from the education and care service premises
  - details of any court orders, parenting orders or parenting plans
  - gender of the child
  - language used in the child's home
  - cultural background of the child and parents
  - any special considerations for the child, such as any cultural, religious or dietary requirements or additional needs
  - authorisations for:
    - the approved provider, nominated supervisor or an educator (including family day care educator) to seek medical treatment for the child and/or ambulance transportation
    - the service to take the child on regular outings
    - name, address and telephone number of the child's registered medical practitioner or medical service
    - child's Medicare number (if available)

- details of any specific healthcare needs of the child, including any medical condition, allergies or a diagnosis that the child is at risk of anaphylaxis
- any medical management plan, anaphylaxis management plan or risk minimisation plan for the child
- any dietary requirements of the child
- immunisation status of the child
- if the approved provider or staff member has sighted a health record for that child, a notation of that fact
- certificates of immunisation or exemption as required depending on the applicable state or territory jurisdiction.
- Residential status and proof of identity

*You need to also be aware that when you visit Hurlingham Preschool's website, apps or other web-based content and services ("Websites"), either we or our service provider may record information (such as your computer's IP address and top-level domain name, the type of browser you are using, the date, time and pages accessed) in relation to your visit.*

Personal information about individuals, either in relation to themselves or their children enrolled at the service, 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 the service's *Privacy Statement* (Attachment 4).

When the service 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. The service 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 the service to deny access in accordance with the limited reasons for denial that are contained in the legislation (refer to Privacy Principle 6.1).

## **2. Anonymity and Pseudonymity (Privacy Principle 2)**

There are limited circumstances where you may be able to deal with Hurlingham Preschool anonymously or by using a pseudonym if you request to do so. Examples include where you are seeking only general information about our services or indicative pricing. In most cases it will not be possible for you to deal with us in this way, or to commence or complete an enrolment application due to the information and identifiers required by regulators and government agencies.



### 3. Use or disclosure of personal information (Privacy Principle 6)

#### 3.1 Use of information

The service will use personal information collected for the primary purpose of collection (refer to the table below). The service 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 the service, the primary purpose for its collection and some examples of how this information will be used.

<b>Personal and health information collected in relation to:</b>	<b>Primary purpose of collection:</b>	<b>Examples of how the service will use personal and health, (including sensitive) information include:</b>
Children and parents/guardians	<ul style="list-style-type: none"><li>• To enable the service to provide for the education and care of the child attending the service</li><li>• To enable the service to access government funding</li><li>• To promote the service (refer to Attachments 5 and 6 for permission forms – photographs and videos)</li></ul>	<ul style="list-style-type: none"><li>• Day-to-day administration and delivery of service</li><li>• Provision of a place for their child in the service</li><li>• Duty rosters</li><li>• Looking after children's educational, care and safety needs</li><li>• For correspondence with parents/guardians relating to their child's attendance</li><li>• To satisfy the service's legal obligations and to allow it to discharge its duty of care</li><li>• To provide information as requested by government agencies</li><li>• Visual displays in the service</li><li>• Newsletters</li><li>• Promoting the service through external media, including the service's website</li></ul>
The Approved Provider (Committee of Management)	<ul style="list-style-type: none"><li>• For the management of the service</li></ul>	<ul style="list-style-type: none"><li>• For communication with, and between, the Approved Provider, other Committee members, employees and members of the association</li><li>• To satisfy the service's legal obligations</li></ul>
Job applicants, employees, contractors, volunteers and students	<ul style="list-style-type: none"><li>• To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be</li><li>• To administer the employment, contract or placement</li></ul>	<ul style="list-style-type: none"><li>• Administering the individual's employment, contract or placement, as the case may be</li><li>• Ensuring the health and safety of the individual</li><li>• Insurance</li><li>• Promoting the service through external media, including the service's website</li></ul>

### **3.2 Disclosure of personal information, including health information**

The service 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 the service to disclose information.

### **3.3 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.

## **4. Storage and security of personal information (Privacy Principle 11)**

In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, the Approved Provider and Persons with Management or Control and staff will ensure that, in relation to personal information:

- access will be limited to authorised staff, the Approved Provider and Persons with Management or Control 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:
  1. emails will only be sent to a person authorised to receive the information and must include a privacy disclaimer
  2. faxes will only be sent to a secure fax, which does not allow unauthorised access
  3. 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.

## **5. Data quality (Privacy Principle 10)**

The service will endeavour to ensure that the personal information it holds is accurate, complete, up to date and relevant to its functions and/or activities.

## **6. Our websites and the use of cookies**

We use our best efforts to ensure that information received via our Websites remains secured within our systems. We are regularly reviewing developments in online security; however, users should be aware that there are inherent risks in transmitting information across the internet.

We may use cookies on our Website. Cookies can make using our Websites easier by storing information about your preferences and enabling you to take full advantage of our services. Cookies are very small text files that a Website can transfer to your computer's hard drive or portable electronic device's memory for record keeping.

We may also use Cookies so that we can determine which parts of our Websites are visited most often, or whether you visited our site from a banner advertisement for one of our products or services on another party's website, and other sites you may visit from our Websites.

Sometimes Cookies are used by a third-party service provider with whom we have an agreement to monitor the success of our marketing campaigns. The third-party service provider uses the Cookies to collect information such as when you visited our site, your browser type and the server that your computer is logged in to.

The information is used in an aggregate form and generally no personal information is collected by the third-party service provider. Our agreements with these third parties ensure this information is only used to carry out functions on our behalf, and if any personal information is collected the confidentiality of that information is maintained.

We may also use Cookies so that we can see which parts of our Websites you visit when you access those Websites. We may use this information for marketing products and services to you. We keep this information confidential and we do not disclose it to third parties.

Most internet web browsers are pre-set to accept Cookies to enable full use of websites that employ them. However, if you do not wish to receive any Cookies on an internet web browser you may configure your browser to reject them or receive a warning when Cookies are being used. In some instances, this may mean that you will not be able to use some or all of the services provided on our websites. However, you may still be able to access information-only pages.

## **7. How we manage a data breach**

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure or other misuse. In accordance with the Privacy Amendment (Notifiable Data Breaches) Act 2017, such breaches will be notified by Hurlingham Preschool's Privacy Contact Officer to the Australian Office of Information Commissioner.

Data breaches can be caused or exacerbated by a variety of factors and give rise to a range of actual or potential harms to individuals, agencies and organisations.

In the event of any suspected data breach, the matter will be investigated to determine:

- The nature of the breach
- The number of people impacted
- The nature of the breach and extent to which an individual or group may be harmed by the breach
- Remedial action to minimise or prevent impact
- Review of systems to minimise the possibility of future similar breach

## **8. De identification and destruction of records**

When your child/children leave our service, the following documents and records must be retained by law for the periods of time listed. At the conclusion of that period, the documents and record will be de identified and destroyed.

Type of record	Timeframe	Reference
Child Assessments	Until 3 years after child's last attendance	Regulation 74, 183
Incident, injury, trauma and illness records	Until the child is 25 years old	Regulation 87, 183

Medication record	Until 3 years after child's last attendance	Regulation 92, 193
Child's Attendance	Until 3 years after child's last attendance	Regulation 158-159, 183
Child enrolment	Until 3 years after child's last attendance	Regulation 160, 183
Death of a child while being educated and cared for by the service	Until 7 years after child's last attendance	Regulation 12, 183
Staff record	Until 3 years after child's last attendance	Regulation 145
Record of access to early childhood teacher	Until 3 years after child's last attendance	Regulation 152
Record of educators working directly with children	Until 3 years after child's last attendance	Regulation 151
Record of volunteers and students	Until 3 years after child's last attendance	Regulation 149

All other documents and records that are not listed above will be DE identified and destroyed within 30 days of your departure from the service.

## **9. Access to personal information (Privacy Principle 12) and correction of personal information (Privacy Principle 13)**

### **9.1 Access to information and updating personal information**

Individuals have the right to ask for access to personal information the service 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 the service 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 *Information Privacy Act 2000*, 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
- the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

### **9.2 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 or Person in Day to Day Charge
- for all other requests, by contacting the Privacy Contact Officer (Operation and Enrolment Manager)

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. The Privacy Contact Officer will endeavour to respond to this request within 45 days of receiving the request.

The Privacy Contact Officer 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, the service 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 the service, the right to request the correction of information that is held. The service will respond to the request within 45 days of receiving the request for correction. If the individual is able to establish to the service's satisfaction that the information held is incorrect, the service will endeavour to correct the information.

## **10. Changes to this policy**

From time to time, it may be necessary for us to review our Privacy Policy and the information contained in this document. We will notify you of any changes by posting an updated version on our Websites and providing you with a revised copy of the document.

## **11. Privacy concerns and complaints**

If you have concerns or wish to make a complaint regarding the handling of your personal information, please contact Hurlingham Preschool's Privacy Contact Officer at [manager@hurlinghampreschool.org.au](mailto:manager@hurlinghampreschool.org.au) or on 95338491.

If you are not satisfied with the response provided, you may refer your complaint directly to:

Office of the Australian Information Commissioner

Phone: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Website: <https://www.oaic.gov.au/>

## **12. Further information about privacy**

You can find more information about privacy (including information about specific issues, answers to frequently asked questions and links to the 13 Australian Privacy Principles) on the Office of the Privacy Commissioner's website at <http://www.oaic.gov.au/External Link>

## ATTACHMENT 3

### Hurlingham Preschool

#### Letter of acknowledgement and understanding

Dear [Insert Name],

Re: *Privacy and Confidentiality Policy*

Please find attached the Hurlingham Preschool *Privacy and Confidentiality Policy*, which outlines how the service 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 the service to comply with the requirements of the privacy legislation by ensuring they understand and implement the Hurlingham 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 the Committee of Management)

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

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#### Hurlingham Preschool

Acknowledgement of reading the *Privacy and Confidentiality Policy*

I, \_\_\_\_\_, have received and read the service's *Privacy and Confidentiality Policy*.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT 4

### Hurlingham Preschool

#### Permission form for photographs and videos

(general consent sought in Parent Permission Form)

##### Background information

Photographs and videos are now classified as 'personal information' under the *Information Privacy Act 2000*.

The purpose of this permission form is to:

- comply with the privacy legislation in relation to all photographs/videos taken at the service, whether by the Approved Provider and Persons with Management or Control, Nominated Supervisor, Person in Day to Day Charge, educators, staff, parents/guardians, volunteers or students on placement
- enable photographs/videos of children to be taken as part of the program delivered by the service, 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 the service may take photographs/videos of children as part of the program. These may be displayed at the service, on the Hurlingham Preschool website or placed in the service's publications or promotional material to promote the service, or for any other purpose aligned to the service's business operations. Some staff may use learning journals in which photographs are included.

When the photographs/videos are no longer being used, the service will destroy them if they are no longer required, or otherwise store them securely at the service. It is important to note that while the service can nominate the use and disposal of photographs they organise, the service has no control over those photographs taken by parents/guardians of children attending the service 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 the service 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 the service

A photographer may be engaged by the service 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, Hurlingham 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 the service's newsletter, publications and website unless authorised under a signed consent form.

**Photographs/videos taken by students on placement**

Students at the service 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 the service's *Privacy and Confidentiality Policy*, which is available in the Policy Folder in the foyer, on Hurlingham Preschool's website and a hard copy is 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.

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Parent's/guardian's name

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Child's name

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Signature (parent/guardian)

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Date



## ATTACHMENT 5

### Hurlingham Preschool

#### 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

\_\_\_\_\_ (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