



Collection and Storage of Confidential Documents Policy

Covers

- Confidential Information Collected Procedure
- Storage of Confidential Documents Procedure
- Sharing of Confidential Documents Procedure

Intention

Nurturing Family Day Care Scheme acknowledges that the privacy and confidentiality of all children, families, educators, volunteers and coordination team information is of the highest priority. The approved provider strives to protect individual intelligence by ensuring that all records and documentation about the children, families, educators, and coordination team are secured within password protected digital mediums and are only accessed by or disclosed to those individuals who are legally able to have this information. In this policy, the meaning of *confidential document* relates to any information that is considered private under the Privacy Act, whether verbally told, physically written, or communicated online. Personal information as defined by the Privacy Amendment Act is information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

Overview

This policy, and all policies and procedures that are associated with the Collection and Storage of Confidential Documents Policy, are implemented at all registered residences and venues by educators, staff and visitors who are allied with the scheme.

This comprises of -

- What information is required to be collected and stored according to the Law and Regulations under the National Quality Framework.



- How these documents will be securely stored and shared.
- How long documents are required to be securely stored by Nurturing Family Day Care Scheme.
- When confidential documents are shared.

The approved provider will ensure -

- That all educators are trained during induction and throughout their time with Nurturing Family Day Care Scheme about what are confidential documents, how to protect the privacy of these documents and when it is legally appropriate to share information.
- That the storage of all confidential documents required by the National Regulations are secured on at least 3 different digital locations to ensure that if any one storage facility were to become vulnerable or erased that the backup copies would continue operations for Nurturing Family Day Care Scheme.
- That information, regardless of how it was obtained, is never shared, rented or sold unless permission has been granted from the individual that it relates to.
- That any notifiable data breaches, such as those that are likely to result in serious harm to any individual whose personal information is involved, will result in individuals being notified of the breach of their data, the notification will include steps individuals should take after their data has been breached, and the notification of this data breach to the Australian Information Commissioner (Commissioner).
- The www.oaic.gov.au website for Notifiable Data Breaches will be accessed and their advice followed upon the suspicion of any data breach.
- Written consent must be first obtained before any personal information of one of the following people is disclosed:
 - a parent of a child enrolled at the service, other than the person requesting the documentation
 - a person required to be notified of an emergency if a parent cannot be contacted
 - an authorised nominee of a child
 - a person authorised to consent to medical treatment or the administration of medication to a child
 - a person authorised to authorise an educator to take a child outside the service premises
 - a person authorised to authorise the service to transport a child or arrange transportation of a child.Consent must be expressly given in writing. Approved providers and family day care educators will check the currency of consent before each disclosure is made.
Consent may be withdrawn at any time after it has been given. Withdrawal of consent must be in writing.

If an individual has questions about why they are being asked for certain information or would like to discuss concerns about how information is collected, stored, and shared, Nurturing Family Day Care Scheme asks that they be contacted so this issue can be resolved personally. If at any time an individual has concerns that their information is not being held to the strictest of standards as outlined in the Collection and Storage of Confidential Documents Policy then they are encouraged to discuss matters with the approved provider immediately, lodge a complaint under the Complaints Policy, or contact the Office of the Australian Information Commissioner.

Confidential Information Collected Procedure



Information is required to be collected by the approved provider and the educators associated with a registered residence or approved venue to ensure that the highest quality of education and care is delivered to every child and their family upon their enrolment. This information is treated with the utmost respect and secured confidentially to guarantee that it is only shared with those required by law to receive it.

Information to be collected by the approved provider according to Regulation 177 consists of –

- Documents relating to a child's assessments or evaluations for the delivery of the educational program as set out in Regulation 74 and detailed further in the Educational Program Policy.
- All incident, injury trauma and illness record as set out in Regulation 87 and detailed further in the Incident, Injury, Trauma and Illness Policy.
- All medication records as set out in Regulation 92 and detailed further in the Medication Policy.
- All records of assessment of the family day care (registered) residences and approved family day care venues conducted under Regulation 116 and detailed further in Assessment of Registered Residences and Approved Venues Policy.
- A record of volunteers and students as set out in Regulation 149 and detailed further in the Visitors to a Registered Residence or Approved Venue Policy.
- The records of the responsible person at the service as set out in Regulation 150 and detailed further in the Governance and Management Policy.
- Records of the Nurturing Family Day Care Scheme's staff, coordinators and all educators certified to educate and care for the approved provider under Regulation 154 and detailed further in the Records and Register of Personal Policy.
- A record of each child's attendance or absences as set out in Regulation 158 and detailed further in the Arrival and Departure Policy.
- A record of each child's enrolment information as set out in Regulation 160 and detailed further in Family Enrolment Policy.
- A record of Nurturing Family Day Care Scheme's compliance with the Law as set out in Regulation 167 and detailed further in the Management of Nurturing Family Day Care Scheme and the Approved Provider Policy.
- A record of the certified supervisors that are placed in the day to day charge of the Scheme under Section 162 of the Law and detailed further in Management of Nurturing Family Day Care Scheme and the Approved Provider Policy.

To the best of their ability the Nurturing Family Day Care Scheme and all associated personnel will ensure that all of the above information –

- Is accurate.
- That when relating to a child the documents are made available to the parent/s or guardian/s of the child on request, except when an individual's access to information is limited by an order of a court, which will be kept on OneDrive in the Family's folder.
- That all individuals have the right to access the record of the scheme's compliance with the Law as set out in Regulation 167.



All documents will be securely kept on OneDrive and upon resignation or termination of an educator they will have a digital copy of the below information for their own records, while Nurturing Family Day Care Scheme will archive this information according to the Storage of Confidential Documents Procedure. All personnel will maintain the strictest confidentiality of these documents regardless of their continued status with Nurturing Family Day Care Scheme according to the Privacy Act.

Information digitally returned to an educator upon their resignation or termination will consist of –

- All personal information that the educator has provided in regard to their enrolment with Nurturing Family Day Care Scheme, including but not limited to, certificates, qualifications, vehicle information, record of coordinator visits and Blue Cards.
- Documentation of a child who has attended their registered residence or approved venue, relating to the child's assessments or evaluations of the delivery of the educational program as set out in Regulation 74.
- Documentation of a child who has attended their registered residence or approved venue, relating to any incident, injury trauma and illness record as set out in Regulation 87.
- Documentation of a child who has attended their registered residence or approved venue, relating to any medication records as set out in Regulation 92.
- Documentation of a child who has attended their registered residence or approved venue, relating to their attendance records as set out in Regulation 159.
- Documentation of a child who has attended their registered residence or approved venue, relating to a child's enrolment records as set out in Regulation 160.
- A record of visitors to the registered residence or approved venue as set out in Regulation 165.

Confidential documents and information may also be collected through verbal communication, written records and online sources related to Nurturing Family Day Care Scheme on platforms that are working in collaboration with third parties (companies that provide a resource). This information is never sold, and when collected, permission is granted by an individual before their information is obtained.

Information regarding third parties (companies that provide a resource) are currently –

- Fully Booked CCMS - <http://fullybookedccms.com.au>
- OneDrive – <https://privacy.microsoft.com/en-gb/privacystatement>
- Gmail - www.google.com/policies/privacy/
- St George Bank - <https://www.stgeorge.com.au/online-services/security-centre/we-protect-you/privacy-policy>

Storage of Confidential Documents Procedure

Documents that contain any personal information are treated with the utmost care to ensure that the confidential material is restricted to only those that have the legal right to acquire this intel. The approved provider encourages the members of the coordination team, all educators, and families to utilise online forms when able, with any physical paperwork to be scanned and stored securely by digital means before being destroyed.



To safeguard the information trusted to Nurturing Family Day Care Scheme, the approved provider, all educators, and any individual associated with the scheme will -

- Password protect any device that contains OneDrive.
- Passwords will not be shared with any individuals besides an educator associated with that specific registered residence or approved venue.
- Take any physical paperwork and shred after it has been scanned and stored upon OneDrive.
- Not use any confidential information gathered for their own personal means.
- Ensure any confidential information that has been viewed is not shared in any way to individuals that do not have a legal right to this data.
- Will not share information that is shared to them in confidence, including that between families, individuals in the community, other educators, coordinators, or the approved provider, while understanding and complying with mandatory reporting requirements outlined in the Protecting Children Policy.
- Will work within the relevant legislation requirements regarding, but not limited to, Regulation 177, 178, 181, 182, 183, 184, and The Privacy Act 1998 (Privacy Act), which regulates the handling of personal information about individuals.
- Notify the Office of the Australian Information Commissioner and affected individuals of any data breaches that are likely to result in serious harm, and that if the approved provider suspects that an eligible data breach may have occurred, they will undertake a thorough and prompt assessment to determine if the data breach is likely to result in serious harm to any or all individuals.

The approved provider understands and acknowledges that specific documents must be stored securely for a certain period of time under Regulation 183 and will hold the below information –

- Any record relating to an incident, illness, injury or trauma suffered by a child or that may have occurred following an incident, while being educated and cared for by the scheme, until the child turns 25 years old.
- Any record relating to the death of a child while being educated and cared for by the scheme or that may have occurred as a result of an incident while being educated and cared for, until 7 years after the death occurred.
- Any other records relating to a child enrolled with the scheme, until 3 years after the child's last day of which the child was educated and cared for.
- Any other records relating to the approved provider, until 3 years after the approved provider's last day of operation.
- Any other record relating to the nominated supervisor or staff member of the scheme, until 3 years after the last day in which they were employed with the scheme.
- Any other record relating to any information that was collected or relates to Nurturing Family Day Care Scheme, until 3 years after the date listed on the document.

Sharing of Confidential Documents Procedure

Confidential documents and information, under certain specific times are shared with relevant parties. This process is never taken lightly, and we work strictly under the National Law and Regulations and the Privacy Act



when doing so. If at any time an individual no longer allows their information to be shared, then they are in their right to revoke prior permission and from that day forth information will no longer be shared.

When individual information is required to be shared to another person outside the approved provider and the specific educators associated with the registered residence or venue, it will only be done in the case of -

- Medical treatment of a child with whom the information relates.
- It being necessary for the education and care of a child, and only the required information for this purpose to occur to the highest of standards.
- A parent or guardian requesting information about their own child/ren.
- A request from the regulatory authority or an authorised officer.
- It being expressly authorised, permitted or required to be given by or under any Act or law.
- There being written permission from the person who provided the confidential information.

Written consent will first be obtained before any personal information of one of the following people is disclosed in regard to -

- • a parent of a child enrolled at the service, other than the person requesting the documentation
- • a person required to be notified of an emergency if a parent cannot be contacted
- • an authorised nominee of a child
- • a person authorised to consent to medical treatment or the administration of medication to a child
- • a person authorised to authorise an educator to take a child outside the service premises
- • a person authorised to authorise the service to transport a child or arrange transportation of a child.

Consent must be expressly given in writing. Best practice is for approved providers and their services to check the currency of consent before each disclosure is made.

Consent may be withdrawn at any time after it has been given. Withdrawal of consent must be in writing.

The approved provider will obtain written consent from the relevant individual whose information is transferred in the event that the service approval is being transferred to a new provider. Consent is required before the following information is shared –

- The documentation of child assessments or evaluations for delivery of the educational program as set out in Regulation 74.
- An incident, injury, trauma and illness record as set out in Regulation 87.
- A medication record as set out in Regulation 92.
- A record of assessments of family day care residences and approved family day care venues conducted under Regulation 116.
- A record of volunteers and students as set out in Regulation 149.
- The records of the responsible person at the service as set out in Regulation 150.
- A record of staff, family day care coordinators engaged by the service and family day educator assistants approved by the service as set out in Regulation 154.
- A child's attendance record as set out in Regulation 158.
- A child's enrolment records as set out in Regulation 160.



- A record of certified supervisors placed in day to day charge of the education and care service under section 162, and their consent to this role.
- All completed forms by an individual other than the approved provider, including but not limited to, excursion, photo permission and signature.

Sources

Education and Care Services National Law and Regulations 2011 (Updated October 2023)

- **Section 3, Objectives and guiding principles.**
- **Section 167, Offence relating to protection of children from harm and hazards**
- **Section 175, Offence relating to requirement to keep enrolment and other documents.**
- **Section 269, Register of family day care educators.**
- **Reg 75, Information about educational program to be kept available.**
- **Reg 76 Information about educational program to be given to parents.**
- **Reg 84, Awareness of child protection law.**
- **Reg 86, Notification to parents of incident, injury, trauma and illness.**
- **Reg 87, Incident, injury, trauma and illness record.**
- **Reg 90, Medical record.**
- **Reg 99, Children leaving the education and care service premises.**
- **Reg 102, Authorisation for excursions.**
- **Reg 153, Register of family day care educators.**
- **Reg 154, Record of staff, family day care co-ordinators and family day care assistants.**
- **Reg 157, Access for parents.**
- **Reg 158, Children's attendance record to be kept by approved provider.**
- **Reg 159, Children's attendance record to be kept by approved provider.**
- **Reg 168, Education and Care services must have policies and procedures.**
- **Reg 160, Child enrolment records to be kept by approved provider and family day care educator.**
- **Reg 161, Authorisations to be kept in enrolment record.**
- **Reg 177, Prescribed enrolment and other documents to be kept by approved provider.**
- **Reg 178, Prescribed enrolment and other documents to be kept by family day care educator.**
- **Reg 179, Family day care educator to provide documents on leaving the service.**
- **Reg 181, Confidentiality of records kept by approved provider.**
- **Reg 182, Confidentiality of records kept by family day care educator.**
- **Reg 183, Storage of records and other documents.**
- **Reg 184, Storage of records after service approval transferred.**

National Quality Standard (Update February 2018)

- **1.1, The educational program enhances each child's learning and development.**
- **2.2, Each child is protected.**
- **2.2.2, Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.**
- **2.2.3, Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.**



- 4.1, Staffing arrangements enhance children's learning and development.
- 6.1, Respectful relationships with families are developed and maintained and families are supported in their parenting role.
- 6.2, Collaborative partnerships enhance children's inclusion, learning and wellbeing.
- 7.1, Governance supports the operation of a quality service.
- 7.1.2, Systems are in place to manage risk and enable the effective management and operation of a quality service.

Early Years Learning Framework

Early Childhood Australia's Code of Ethics

My Health Records Act 2012

Information Privacy Act 2009

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).

Review

The policy will be reviewed annually.

The review will be conducted by:

- Approved Provider
- Employees
- Educators
- Families
- Interested Parties

Created: May 2017

Reviewed: September 2017

February 2018

October 2018

October 2019

August 2020

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August 2023

August 2024

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