



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

PURPOSE

This policy will provide guidelines for Edenhope Early Childhood Service to ensure compliance with privacy and information management legislation for the collection, storage, security, use, disclosure, and disposal of personal information, including photos, videos, and health information.

POLICY STATEMENT

Edenhope Early Childhood Service is obligated by law, service agreements, and licensing requirements to comply with the privacy and health records and information management (record-keeping) legislation when collecting personal and health information about individuals.

The Health Records Act 2001 (Part 1, 7.1) and the Privacy and Data Protection Act 2014 (Vic) (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 (National Law) or the Education and Care Services National Regulations 2011 (National Regulations) that is inconsistent with the requirements of the privacy legislation, services are required to abide by the National Law and National Regulations. The Edenhope Early Childhood Service will understand and meet requirements for creating, using, storing and disposing of service records.

West Wimmera Shire Council is responsible for:

- Ensuring all records and documents are maintained and stored in accordance with regulations 181 and 183 of the National Regulations (Refer to **Appendix 1: Definitions**)
- Ensuring the service complies with the requirements of the Privacy Principles as outlined in the Health Records Act 2001, the Privacy and Data Protection Act 2014 (Vic), and, where applicable, the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012, 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 information
 - Risks in relation to the collection, storage, use, disclosure, or disposal of and access to personal and health information collected by the service
- Providing adequate and appropriate secure storage for personal information collected by the service, including electronic storage
- Developing procedures that will protect personal information from unauthorised access, including a data integrity strategy and procedures. Refer **Appendix 3** and Council's Information Privacy Policy
- Developing procedures to monitor compliance with the requirements of this policy
- Ensuring all employees and volunteers are provided with a copy of this policy, including the Privacy Statement of the service.



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

The Nominated Supervisor is responsible for:

- Ensuring they are aware of their responsibilities in relation to the collection, storage, use, disclosure and disposal of personal and health information in accordance with relevant legislations including, the Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Scheme (FVISS)
- Ensuring families and carers know why relevant information is being collected, how it will be stored and reasons that it might be disclosed to other authorised services
- 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
- Ensuring all employees and volunteers are provided with a copy of this policy, including the Privacy Statement of the service
- Ensuring all families and carers are provided with the service's Privacy Statement and all relevant forms
- Informing families and carers that a copy of this policy is always available
- Ensuring a copy of this policy is prominently displayed at the service
- Establishing procedures to be implemented if families and carers request that their child's image is not to be taken, published, or recorded, or when a child requests that their photo not be taken.
- Providing notice to children, families and carers when photos/video recordings are going to be taken at the service
- Ensuring educators and all staff have read and understood this policy and are aware of how to access it
- Obtaining informed and voluntary consent of the families and carers of children who will be photographed or videoed.

Educators are responsible for:

- Recording information on children, which must be kept secure and may be requested and viewed by the child's families and carers and representatives of Quality Assessment and Rating Divisions (QARD) 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 in accordance with relevant legislation including the Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Scheme (FVISS)
- Implementing the requirements for the handling of personal and health information, as set out in this policy
- Respecting family and carer choices about their child being photographed or videoed, and children's choices about being photographed or videoed.

Record Keeping

Edenhope Early Childhood Service will be responsible for creating, managing, and appropriately disposing of records in accordance with Education and Care Regulations, Family Tax Law and Public Records Act 1973 (Vic)(refer to **Appendix 2: Summary of record-keeping periods**).



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Record storage

All records must be kept in a safe and secure place only accessible by approved personnel. Written records include records that are made and stored electronically, as long as they are stored safely and any changes, apart from incidental changes related to their storage and display, are also recorded.

Records storage and access

Edenhope Early Childhood Service will refer to the West Wimmera Shire Council systems and processes for managing electronic and hardcopy records to ensure the authenticity, security, reliability, and accessibility of these records.

All records will be stored in safe and secure locations to ensure their integrity and accessibility.

Information security and data integrity

Services must protect the confidentiality, integrity, and availability of service information. They will manage and share information appropriately and securely in order to meet information security obligations and to appropriately protect staff, students, and their families. The service will comply with the West Wimmera Shire Council's Information Privacy Policy (Refer also to **Appendix 3: Information Security and Data Integrity**).

REFERENCES

Legislation, Standards and Provisions

- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)
- [A New Tax System \(Family Assistance\) Act 1999](#)
- [Child Care Subsidy Minister's Rules 2017](#)
- [Child Care Subsidy Secretary's Rules 2017](#)
- [Family Law Act 1975](#)
- [Child Safe Standards](#)
- [Children, Youth and Families Act 2005 \(Vic\)](#)
- [Child Wellbeing and Safety Act 2005 \(Vic\)](#)
- [Child Wellbeing and Safety \(Information Sharing\) Regulations 2018](#)
- [National Quality Standard, Quality Area 7 – Governance and Leadership](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Privacy Act 1988](#)
- [Privacy and Data Protection Act 2014 \(Vic\)](#)
- [Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#)
- [Accident Compensation \(OHS\) Act 1996 \(Vic\)](#)
- [Crimes Act 1958 \(Vic\)](#)
- [Education and Training Reform Act 2006 \(Vic\)](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Evidence Act 2008 \(Vic\)](#)
- [Family Violence Protection Act 2008 \(Vic\)](#)
- [Family Violence Protection \(Information Sharing and Risk Management\) Regulations 2018 \(Vic\)](#)
- [Financial Management Act 1994 \(Vic\)](#)
- [Freedom of Information Act 1982 \(Vic\)](#)
- [Health Records Act 2001 \(Vic\)](#)



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

- [Public Administration Act 2004 \(Vic\)](#)
- [Public Records Act 1973 \(Vic\)](#)
- [Victorian Data Sharing Act 2017 \(Vic\)](#)

Supporting Documents

- **Australian Children's Education and Care Quality Authority (ACECQA)**
[ACECQA National Quality Standard](#)
[National Quality Agenda IT System](#)
- **Australian Government Department Education, Skills and Employment (DESE)**
[Child Care Provider Handbook - Child Care Subsidy System 2019](#)
[Child Care Subsidy - Specified Personnel Roles](#)
[Child Care Subsidy - Fit and Proper Requirements Personnel](#)
[Child Care - Financial Integrity](#)
- **Victoria Government**
[Child Information Sharing Scheme](#)
[Family Violence Information Sharing Scheme](#)
- **Australian Cyber Security Centre**
<https://www.cyber.gov.au/>
- **Australian Competition and Consumer Commission**
[Sign up for newsletter: https://www.scamwatch.gov.au/](#)

Roles and Responsibilities

Role	Responsibility
Educators and Supervisors	Educators, Supervisors, Nominated Supervisor/Educational Leader will oversee the implementation and service adherence to this policy All Educators are responsible for the daily implementation of the policy when directly supervising children.
Approved Provider	Provide official sign off on the Policy

Policy Review

The Policy will be reviewed every 12 months. The ongoing monitoring and compliance to this policy will be overseen by Nominated Supervisor, Edenhope Early Childhood Service and Person with Management or Control of the Service where practical. Feedback from Quality Assessment and Regulation Division (QARD), received through the assessment and rating process and/or compliance visits will inform this policy review. Feedback from stakeholders, e.g. families and carers, service community etc. will also inform policy updates and review.



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

ATTACHMENTS

- Attachment 1 **Definitions**
- Appendix 2 **Summary of record-keeping periods**
- Appendix 3 **Information Security and Data Integrity**

AUTHORISATION

The Approved Provider of the West Wimmera Shire Edenhope Early Childhood Service adopted this document on 26/04/2022.

REVISION	DATE APPROVED	AUTHOR	SIGNATURE	DATE OF NEXT REVISION
1	05/01/23	Tracey Bone	<i>TL Bone</i>	05/01/24

Acknowledgment

I acknowledge:

- receiving the Edenhope Early Childhood Service Confidentiality of Records Policy;
- that I will comply with the policy; and
- that dependent on the seriousness of any breach there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your Name:	
Signed:	
Date:	
Edenhope Early Childhood Service sign off:	Date:



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Attachment 1

Definitions

Information security incident

Indicators of a potential or actual information security incident are:

- emails from unexpected or unidentifiable senders
- unexpected emails from people that you do know
- requests for information from unknown sources
- inability to access systems
- inability to access files or documents
- unusually slow systems or unexpected and strange behaviour of PCs and devices

Personal information

Personal information is recorded information or opinion about an identifiable individual. It can be almost any information linked to an individual, including name, address, sex, age, financial details, marital status, education or employment history. De-identified information about individuals can also be personal information if it has the potential to be re-identified.

Sensitive information

For the purpose of this policy and associated guidance material, sensitive information in services includes but is not limited to the following:

- child, family and carer information including name address and date of birth
- child, family and carer records, progress reports, assignments and assessments
- child, family and carer health and medication information
- child information pertaining to family circumstances including Intervention Orders and Family Court decisions
- children's photographs and individual images
- families and carers names, address, phone number, email address and custody instructions
- staff personal information
- families and carers banking and credit card information and hard-copy records
- service financial information
- tendering and procurement documents
- vendor invoices, contacts and accounts payable and receivables



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Attachment 2

Summary of record-keeping periods

Record name	Record keeping period	Legislation
Child enrolment records	Kept until the end of 3 years after the last date on which a child is educated and cared for by the service	Education and Care Services National Regulations - regulation 183(2)(d)
Documentation of child assessments	Kept until the end of 3 years after the last date on which a child is educated and cared for by the service	National Regulations – regulation 183(2)(d)
Evaluations for delivery of the educational program	Kept until the end of 3 years after the last date on which a child is educated and cared for by the service	National Regulations – regulation 183(2)(d)
Medication record	Kept until the end of 3 years after the last date on which a child is educated and cared for by the service	National Regulations – regulation 183(2)(d)
A record of attendance for each child for whom care is provided (regardless of eligibility for Child Care Subsidy), including records of any absences from care	Must be kept for seven years .	Family Assistance Law – section 219F(1)
A record relating to an incident, illness, injury or trauma suffered by a child	Must be kept in a safe and secure place until the child is 25 years of age	National Regulations – regulation 183(2)(b)
A record relating to the death of a child while being cared for by the service or may have occurred as a result of an incident	Must be kept in a safe and secure place until seven years after the death	National Regulations – regulation 183(2)(c)
All records relating to the nominated supervisor or a staff member at the service	Must be kept for three years from the last day they provided education and care on behalf of the service	National Regulations – regulation 183(2)(f)
Record of assessments of facility venues and spaces	Must be kept for three years after the record was made	National Regulations – regulation 183(2)(g)
Record of service's compliance with the National Law	Must be kept for three years after the record was made	Education and Care regulation



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Complaints made to the provider, or to any of the services of the provider, relating to compliance with Family Assistance Law	Must be kept for seven years .	Family Assistance Law
Statements or documents demonstrating that additional absence days in excess of the initial 42 absence days satisfy requirements (see Reporting absences).	Must be kept for seven years .	Family Assistance Law
Copies of invoices and receipts issued for the payment of child care fees	Must be kept for seven years .	Family Assistance Law
Copies of all Statements of Entitlement issued and any statements issued to advise that there was a change of entitlement.	Must be kept for seven years .	Family Assistance Law
Any notice given to a state or territory body about a child at risk of abuse or neglect (to be documented)	Must be kept for seven years .	Family Assistance Law
Copies of the evidence and information provided with an application for approval about persons with management or control of a provider and persons responsible for the day-to-day operation of a service	Must be kept for seven years .	Family Assistance Law
Any evidence or information produced to obtain police checks and working with children checks for personnel and to support any statements about these checks in an application for provider or service approval.	Must be kept for seven years .	Family Assistance Law
Providers must keep written records of all required background checks for specified personnel	Must be kept for seven years .	Family Assistance Law



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Attachment 3

Information Security and Data Integrity

Services must protect the confidentiality, integrity, and availability of service information. They will manage and share information appropriately and securely in order to meet information security obligations and to appropriately protect staff, children, families, and carers.

Information security aims to protect the confidentiality, integrity, and availability of service information. This includes the consideration of privacy compliance when dealing with personal information.

The approved provider must establish appropriate practices to protect critical and sensitive information. All staff should consider:

- what information they have
- how sensitive is the information
- where is the information stored
- who has access to the information

The approved provider should make sure that information security risks and issues are appropriately managed by seeking advice from the Information Technology Manager. The Edenhope Early Childhood Service Person with Management Control or Nominated Supervisor will ensure that a third party software package used is approved for administering Child Care Subsidy.

Behaviours

The consequences of an information security breach can be far-reaching, potentially affecting staff, children, families, and carers. Edenhope Early Childhood Service assure protection of information is embedded in all aspects of service operations as outlined in this policy.

The Edenhope Early Childhood Service Nominated Supervisor will:

- Ensure that priority actions from this policy are considered inappropriate local service and organisation practices
- Encourage staff to complete the training pertaining to information security and safety on an annual basis
- Establish and maintain culture through ongoing conversations with all levels of staff at the service.

Risks

Edenhope Early Childhood Service will adopt a risk-based approach to information security by periodically assessing themselves against a service set of common, published risks and associated treatment plans. This will enable service and service treatment plans to be prioritised and actioned based on the extent of the risk.

The Nominated Supervisor will:

- Refer to information risk identification document and risks will be incorporated in the organisation's risk register.
- Consider the IT environment, online tools, and the nature of the information at Edenhope Early Childhood Service
- Consider the most common information security and privacy risks and their relevance at Edenhope Early Childhood Service

Access



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Edenhope Early Childhood Service must make sure that access to information is authorised for individuals based upon their role and function within the service environment. Failure to assign the right level of access to information to the right role may result in information security or privacy breach.

The Edenhope Early Childhood Service Nominated Supervisor will:

- Identify who has access to sensitive information and who has privileged accounts at the service
- Establish a process to capture and regularly review service staff, and third-party access, including families and carers, volunteers, and contractors
- Establish a process to enforce need-to-know access to sensitive information (revoke access in a timely manner)

Networks

Organisations will maintain a secure ICT network by following West Wimmera Shire Council requirements and adopting appropriate technical controls. Without these controls, the service information and systems will be vulnerable to cyber-attacks.

The Edenhope Early Childhood Service will work collaboratively with West Wimmera Shire Council IT manager to:

- Regularly review network configuration and anti-virus and patching arrangements
- Confirm that any hardware or software used in the delivery of the service is compliant with Edenhope Early Childhood Service's requirements by consulting appropriate staff and legislation

Storage

The service must identify their critical and sensitive information and store in approved and trusted locations.

The Nominated Supervisor will:

- Identify and document assets holding sensitive and critical information
- Ensure that the risk assessment [has been completed](#) for systems holding personal information
- Review service processes to identify where data is held long-term

Physical

The service must protect information and ICT equipment by housing all ICT infrastructure (servers and network equipment) and personal computers, when not in use, in a locked and secured location with restricted access.

The Nominated Supervisor will:

- Monitor visitor entry to the service premises and authorise entry into infrastructure and records storage locations
- Ensure the service follows a local visitors procedure
- Make sure that sensitive information (digital and hard copy) and ICT equipment is housed in physically secured locations.

Awareness

The service is responsible for encouraging staff to be vigilant and aware of the ongoing need to protect sensitive service information and systems.

The Nominated Supervisor will:

- Encourage staff to complete relevant training annually.
- Act on information and directions about emerging cyber security threats
- Ensure the induction process for new staff, including contractors and casuals, includes the *relevant training*
- Regularly communicate, affirm and review security obligations for staff (and target specific roles that have access to sensitive information).

Sharing Information



CONFIDENTIALITY AND RECORD KEEPING POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Edenhope Early Childhood Service must follow West Wimmera Shire Council policies for sharing personal or sensitive information with anyone external to the service.

The Nominated Supervisor will:

- Identify which personal and sensitive information is regularly shared or likely to be shared (typically staff or child personal data, but potentially other categories of information e.g., financial, commercial).
- Make sure staff are aware of West Wimmera Shire Council policies and local service procedures for sharing information.
- Use only approved tools to transmit sensitive data and will closely manage distribution lists.

Suppliers

Edenhope Early Childhood Service must ensure the security of new systems and the suppliers who provide them.

The Nominated Supervisor will:

- Seek advice from the Chief Finance Officer and IT Manager to ensure all new systems meet information security and ICT security requirements
- For systems holding personal information, conduct a risk assessment for that system.
- Support staff to access external resources also available through Australian Cyber Security Centre and keep up to date by subscribing to the [Scamwatch](#) newsletter.

Records destruction

Edenhope Early Childhood Service must not dispose of:

- any records that are reasonably likely to be required in a legal proceeding
- any record that may be required for a current Freedom of Information request

Edenhope Early Childhood Service may dispose of temporary records that have reached the required retention period (the minimum period the records must be kept for before they can be legally destroyed).

The West Wimmera Shire Council must approve the disposal in writing to provide evidence of the disposal activity.

Edenhope Early Childhood Service must securely dispose of records and ensure electronic and hardcopy records are destroyed in a way that ensures the records are unreadable and irretrievable.

Edenhope Early Childhood Service will adhere to the West Wimmera Shire Council recommendation to use secure disposal bins for the disposal of hardcopy records.

Council's Governance Manager will oversee records destruction and administration on these aspects of the policy.