

Confidentiality of Records Policy

Aim:	This policy will provide guidelines for Concongella Primary School Council Outside of School Hours Care (OSHC) to ensure compliance with privacy legislation for the collection, storage, use, disclosure and disposal of personal information, including photos, videos and health information.
Date of	17/06/2021
Operation:	
Review Dates:	17/06/2022

POLICY

OSHC 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 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.

Concongella Primary School Council OSHC is responsible for:

- Ensuring all records and documents are maintained and stored in accordance with Regulations 181 and 183 of the National Regulations
- 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 (Cth) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), 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
- Ensuring parents/guardians know why relevant information is being collected, how it will be stored and reasons that it might be disclosed to other authorised services.
- 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
- 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, including the Privacy Statement of the service
- Ensuring all parents/guardians are provided with the service's Privacy Statement and all relevant forms
- Informing parents/guardians that a copy of this policy is available on request
- Ensuring a copy of this policy is prominently displayed at the service and available on request
- Establishing procedures to be implemented if parents/guardians 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.

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)
- Providing notice to children and parents/guardians 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 to access it
- Obtaining informed and voluntary consent of the parents/guardians 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 parents/guardians and representatives of the Department of Education and Training 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 legislations 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 parents' choices about their child being photographed or videoed, and children's choices about being photographed or videoed.

Roles and Responsibilities

Department/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.
School Council / Principal	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 Concongella Primary School Council OSHC 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. parents, school community etc. will also inform policy updates and review.

Legislation and Standards

- [Education and Care Services National Law Act](#) 2010
- [Education and Care Services National Regulations](#) 2011
- [National Quality Standards](#) (Quality Area 7: Governance and Leadership)
- [Child Safe Standards](#)
- [My Time, Our Place](#)
- [Child Information Sharing Scheme](#)

- [Family Violence Information Sharing Scheme](#)
- [Child Wellbeing and Safety https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/031Act 2005 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/031Act%202005%20(Vic))
- [Child Wellbeing and Safety \(Information Sharing\) Regulations 2018](#)
- [Children, Youth and Families Act 2005 \(Vic\)](#)
- [Family Violence Protection Act 2008 \(Vic\)](#)
- [Family Violence Protection \(Information Sharing and Risk Management\) Regulations 2018 \(Vic\)](#)
- [Health Records Act 2001 \(Vic\)](#)
- [Privacy and Data Protection Act 2014 \(Vic\)](#)

Supporting Documents

Staff Acknowledgement

I acknowledge:

- receiving the Concongella Primary School Council OSHC 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:	
Concongella Primary School Council OSHC sign off:	Date: