

1.6 RECORD KEEPING AND CONFIDENTIALITY

Policy No: 1.6

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Education and Care Services National Law

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PURPOSE To protect and respect the privacy and confidentiality of personal, health and sensitive information of all users of the service.

POLICY To adhere to sound practices to ensure records and information are stored appropriately to ensure confidentiality. All personal and health information provided is collected, stored and accessed in accordance with the Commonwealth Privacy Act 1988, the Commonwealth Freedom of Information Act 1982, the NSW State Records Act 1998 and the NSW Health Records and Information Privacy Act 2002

PROCEDURES

- 1.1 coordination unit does not communicate personal/health details of educators, parents/guardians, children and staff to other parties other than to the extent necessary for the education and care or medical treatment of a child; or is legally bound to do so, or with written consent of the person who provided the information
- 1.2 coordination unit will give information on the enrolment records of each child to the educator chosen by the parent/guardian as this information is necessary for the education and care of the child
- 1.3 educators do not discuss with their own family or other educators, or make public any personal details of FDC children or their families; this does not preclude educators from communicating to the coordination unit information relevant to the care or development of the child
- 1.4 sensitive information such as the individual's religious beliefs; racial or ethnic origin; sexual preference; criminal record or health information is protected and remains confidential unless parental permission has been provided eg. notification that a child is at risk of anaphylaxis
- 1.5 situations of conflict between any combination of educators, parent/guardians and coordination unit will be dealt with by using service Complaints Policy
- 1.6 parent/guardians provide permission for photographs to be taken of their child on enrolment; general photography may be displayed in the FDC office or at educators education and care service; only first names are used with photograph; a child's photograph will not be displayed in newsletters; websites or media without prior written parent/guardians permission
- 1.7 video monitoring, recording group activity or surveillance equipment at the educators

home will not be available to be accessed off site; educators require written permission
from families to distribute any images of their child to other families

2. Collection of Records

2.1 to comply with current national regulations and to ensure the best care options are referred, the Family Day Care service collects basic personal details directly from parent/guardians and educators

2.2 Records in relation to child enrolment

2.2.1 child's full name

2.2.2 date of birth

2.2.3 parent/guardian full names

2.2.4 parent/guardian date of birth

2.2.5 residential address of child and parent/guardian

2.2.6 parent/guardians work/study details g. contact details such as phone/fax/mobile or e-mail

2.2.7 name, address and contact details of any person to be notified of an emergency

2.2.8 name, address and contract details of an authorised nominee/s to collect from care; and /or authorise medical treatment; and/or authorise of medication and/ authorise the child to leave the premises on an excursion

2.2.9 name of school attending if applicable

2.2.10 immunisation status of child

2.2.11 relevant medical details, including allergies, anaphylaxis, Medicare number, management plan

2.2.12 details of relevant support services currently utilised

2.2.13 name address and phone number of family doctor and dentist

2.2.14 any relevant court order, parent orders or parent plans

2.2.15 the parent/guardian and child's Customer Reference number issued by Centrelink

2.3 Records in Relation to Educators and assistants:

2.3.1 full name and date of birth of educator and assistant

2.3.2 address and phone numbers

2.3.3 address of the family day care residence if not the home address

2.3.4 commencement and termination date to provide education and care

2.3.5 100 point proof of identification such as drivers license, passport, Medicare card

2.3.6 working with children check and national criminal history outcome for educator and household members over the age of 18 years

- 2.3.7 full name and proof of identification eg drivers license number of other adult household members over 18 years
- 2.3.8 name and date of birth of all household members under 18 years
- 2.3.9 date of birth, health and immunisation status of Educators children
- 2.3.10 names and numbers of referees (initial interview)
- 2.3.11 medical certificates for suitability to work (annually)
- 2.3.12 documented evidence of qualifications and training
- 2.4 individual's supplying the information are informed about the purpose of collection; intended recipients; the supply; the consequences of non-provision; storage and the retention period
- 2.5 parent/guardians/educators who provide the personal information of others eg. Doctors, referees, or emergency contacts are encouraged to notify these individuals
- 2.6 individuals including parent/guardians, educators, and other contacts are encouraged to update their personal details as required to ensure that all information is accurate
- 2.7 all personal information is securely stored at the coordination unit premises, secure storage bay or at a educators residence; access to personal information stored on computer is password protected
- 2.8 educators family members who provide IT or business support to educators, sign a privacy/confidentiality agreement annually
- 2.9 parent/guardian/guardians may seek access to the personal information collected about them and their child/ren by contacting the service
- 2.10 access to personal information maybe denied if it would have unreasonable impact on the privacy of others; where access may breach the services Duty of Care to the child or where children have provided information in confidence. Refer to Child Protection Policy.
- 2.11 Medicare numbers will be used if the child requires urgent medical attention; Centrelink customer reference numbers will be used for childcare benefit purposes

3. Management of Records

- 3.1 all compulsory administration paperwork is provided to the educator by the coordination unit as required
- 3.2 educators keep a copy and return original children's records relating to medication authority and administration, incident/injury/trauma/illness reports and authorisation for excursion and regular outing forms to the coordination unit when the records have been completed each fortnight or sooner if requested
- 3.3 educators confidentially dispose of copies of records after the required timeframe
- 3.4 educators return all document relating to child enrolment still in their possession to the coordination unit upon that child's termination of care, or if the education ceases to provide an education and care service with the FDC scheme
- 3.5 the coordination unit regularly requests parent/guardians to submit up-dated contact details

and immunisation records (including conscientious objections), and maintains this information in the child’s file

- 3.6 educators must take reasonable steps to ensure all required documents are accurate
- 3.7 coordination unit files all records in a secure manner for the longest required timeframe of any local, state or federal government authority
- 3.8 records required by government authorities are supplied in the required format and timeframe by the coordination unit
- 3.9 records are only made available to the parties legally authorised to access them
- 3.10 all relevant records/details are maintained in accordance with the requirements as per current federal/state or local legislation
- 3.11 educators must ensure that child related documents and visitors record is available to parent/guardians on request unless denied by a court order

4. Storage and retention of Records

- 4.1 all records must be kept in a safe and secure storage location at the coordination unit and at the educators residence

Record	Storage and Retention	
	Educator Resident	Coordination Unit
Incident, injury, trauma and illness record	Copy – until care ceases	Original —until the child is 25years old
Death of a child Child’s enrolment records Excursion Authorisation Medication record Attendance records	Copy – until care ceases	Original – until 3 years after care has ceased
Child Assessment/evaluation/developmental records	Original – until 3 years after the record was made	Original – up to 3 years after record was made
Programs/curriculum	Original – until 3 years after the record was made	
Emergency evacuation	Current year	Original – until 3 years after the record was made
Visits to the educators home	Until 3 years after record was made	Original – until 3 years after educator has ceased
Educator residence assessment		Until 3 years after the record was made
Record of Educators and assistants		Until 3 years after educator ceased
All records relating to funding and Child-care benefit	For taxation	3 years after the last record
Volunteer & student record		Until 3 years after record was made

4.2 the following records are required to be kept:

5. Media Protocol

- 5.1 the coordination unit will comply with the Child Care Services Taree & Districts Inc Association Media Protocol and seek permission from the President before discussing Family Day Care issues with the media
- 5.2 educators will notify their intention to release information in regards to Family Day Care to the media, before the release of information
- 5.3 coordination unit and educators will not divulge personal and/or confidential information of any individual involved in the Family Day Care service ie. children, parents, educators and staff, to the media without their written consent

Source:

- Education and care Services Regulation—177-180,181-184
- Commonwealth Privacy Act 1988
- The NSW State Records Act 1998 NSW Health Records and Information Privacy Act 2002
- Child Care Services Taree & Districts Media Protocol Policy

Associated Forms:

- Family member's privacy/confidentiality agreement