

## POLICY – PRIVACY

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### 1. National Quality Standard

| Area  | Concept            | Descriptor  |
|-------|--------------------|---|
| 7.1   | Governance         | Governance supports the operation of a quality service.   |
| 7.1.2 | Management Systems | Systems are in place to manage risk and enable the effective management and operation of a quality service. |

### 2. Purpose

The purpose of this policy is to ensure that Baringa complies with its legal obligations in relation to personal information privacy, by explaining and setting out: how we will collect, store and use personal information; how personal information may be accessed or updated; and our complaint handling process.

### 3. Scope

This policy applies Centre-wide.

### 4. Policy Statement

#### Personal Information

4.1 The Privacy Act defines personal information as information or an opinion about an identified individual (or an individual who is reasonably identifiable). In this context, it does not matter whether the information or opinion is true or not, nor does it matter how the information or opinion is recorded.

4.2 Examples of personal information include:

- Basic contact information (such as names, addresses and phone numbers).
- Gender.
- Date and place of birth.
- Information about relationships, including past and current family members, employees, employers, co-workers, lenders and acquaintances.
- Financial information, such as income, asset and debt details and past and current personal and corporate insolvency.

- Third party identifiers, such as bank account and customer numbers.
- Past and current employment information.
- Credit information, including credit reports.
- Personal identification documents.
- Videos, audio recordings, photographs and/or social media account posts.
- Australian and/or foreign residency information, including citizenships.

- 4.3 Examples of particularly sensitive personal information include health information; racial or ethnic origin; political opinions, religious belief and/or political or religious affiliations; gender, gender identity and/or sexual preferences; criminal records; and genetic information.
- 4.4 Sometimes, for example where there is a known risk of family violence, even a current residential address may fairly be regarded as sensitive.

#### **What personal information do we collect?**

- 4.5 We routinely collect personal information when we conduct our business, including when we deliver childcare services and purchase goods or services from our suppliers.
- 4.6 We always collect basic contact information about families, children, staff and suppliers. The main reason for this is to ensure that we comply with Australian law and are able to run our Centre efficiently.
- 4.7 The other types of personal information we collect varies according to context, for example our requirements under the National Law, National Regulations and Child Protection Laws.

#### **4.8 Families**

The information we collect about families includes: your contact details (name, address, email, and telephone numbers), drivers' license number, date of birth, Medicare details, relationship to the child, financial information, employment details, evidence of guardianship or parental responsibility and, where relevant, information pertaining to child custody and access arrangements, and Child Care Benefit details. For corporate users we also collect salary sacrifice information.

#### **4.9 Children**

Additional information we collect about children attending our services include: gender, proposed and actual attendance days and dates, information about languages spoken by the child and in the child's home, any school enrolment details, photos and learning documents. We collect information about development, routines, preferences and interests. We also collect information about sleep and food preferences, special needs and information about how we can best communicate and care for your child.

#### **4.10 Other Individuals**

We collect information about other individuals you would like us to interact with about your child, including additional emergency contacts and individuals you agree may collect your child from our services. For these individuals we will collect names, relationship to the child, address, telephone numbers and email addresses. We also collect the name and relationship to your child of any siblings or family members that live in your household, and details of people who have contact with your child that are important for us to know.

#### **4.11 Early Childhood Professionals and other Job Seekers**

- (a) For those seeking employment with Baringa, we collect your contact details (name, address, email, and telephone numbers), details of your current employment (job status, employer, job title and current salary) and details about your preferred position with Baringa. For identification verification, to ensure the best education and care for the children attending our services and to comply with the National Law and Regulations, we will collect copies of your identification, qualifications and Working With Children clearance. We may also collect evidence of your ability to work in Australia, including

residency or visa details. We will ask where you heard about us and our advertised positions.

- (b) We will also collect information about jobseekers' referees and will contact referees to help us determine a person's suitability for employment or engagement with Baringa. The information we collect about referees includes contact details (name, telephone numbers and email address) and information provided by referees during reference checks.
- (c) We may collect contact information from early childhood professionals at professional events, which we will use to contact you about future recruitment opportunities with Baringa.

#### **Why do we collect personal information?**

4.12 We collect personal information for three main reasons:

- To provide quality, effective and efficient childcare services to families.
- To run and market our business efficiently and effectively.
- To comply with Australian law.

4.13 Specific examples include

- Processing enquiries and applications for enrolments'
- Providing education and care services
- Providing you with information about Baringa and the education and care we provide
- Providing you with information about Baringa and employment opportunities we have
- Managing applications from individuals seeking to work at Baringa.

4.14 We will only collect personal information that is reasonably necessary for us to fulfil our functions or activities.

4.15 As an approved education and care provider, some personal information we are required to collect under law, for example, under the National Law, the National Regulations, the Family Assistance Laws and the Child Protection Laws.

#### **How do we collect personal information?**

4.16 In most cases we will collect personal information from you directly.

4.17 We collect your information through our standard forms, including enrolment forms, via our websites (including tour booking forms, enrolment enquiry forms and event registration forms), via our website, via social networking sites, through written communication with you such as email or through talking with you, including when we talk over the telephone.

4.18 Sometimes it may be unreasonable or impracticable to collect personal information from you directly and in these instances we may collect your personal information indirectly. If we do collect personal information about you indirectly, we will take steps to let you know that we have or will do this, where it is reasonable to let you know.

4.19 Other ways we may receive personal information include via:

- Public registers and databases.
- Paid search providers.
- Witnesses and relatives.
- Banks and other financial institutions, insurance companies and government agencies.

#### **Information Management**

4.20 We manage the personal information we collect using common sense, reasonable access and security controls and with due regard to our professional duties and other obligations under Australian law. For example:

- We take steps to ensure that our knowledge of privacy-related issues and relevant laws remains current, and that we apply best practice wherever possible.
- We take reasonable steps to ensure that we avoid making common information technology-related security mistakes.
- We read the terms and conditions and privacy and security policies of our suppliers to satisfy ourselves that we are dealing with appropriately skilled, privacy-aware organisations.
- We conduct periodic, internal privacy and security checks.
- We have written policies, including business systems and information technology policies, to guide our staff.
- Privacy and security awareness is a routine part of new staff induction.

## **Disclosure**

- 4.21 We only collect personal information that is reasonably necessary for us to fulfil our functions and activities. We will disclose the personal information we collect for the purpose we collected it, or for a secondary purpose that is reasonably expected or related to the purpose that we collected it. Staff and volunteers at Baringa sign a confidentiality statement prior to engagement with us. The Centre Manager at your service will ensure that information about you and your child is only disclosed in accordance with this privacy policy.
- 4.22 Baringa has relationships with corporate clients to provide employees with education and care services. If you are employed by one of our corporate clients, We will disclose your personal enquiry information (including details about your employer, date of your centre tour, and employment location), the date of your child's enrolment, and the number of days/hours of care used by you to your employer. This information is used to verify your employment with your employer, for invoicing purposes and for reporting purposes to help our corporate clients better serve their employees.
- 4.23 We may disclose your personal information to a State/Territory Regulatory Authority, as required by the National Law and Regulations or in accordance with child protection or other laws.
- 4.24 With your consent, we may disclose your personal information or your child's personal information to individuals or agencies. For example, we may seek your consent to disclose information to inclusion support workers or medical staff. In the case of an emergency, if we are unable to contact you, we may disclose information about you or your child to a registered medical practitioner or emergency service.
- 4.25 We may disclose your personal information to companies that assist us with our business, for example credit report bodies, legal representatives, collection agencies, information technology providers, mailing houses. Some service providers we use may be located outside of Australia or use systems that are located outside of Australia. We will take reasonable steps to enquire that the service providers comply with the Australian Privacy Principles.
- 4.26 Baringa will display medical condition emergency plans for children in services. We will only display other information that would be within your reasonable expectations, or with your consent.

## **How and where do we hold personal information?**

- 4.27 Baringa is committed to protecting the personal information we hold. The Centre Manager and Nominated Supervisor will ensure that all personal information is stored safely and securely at the service. We use a range of security measures to protect personal information held at both the service and at our support office.
- 4.28 Non-current records will be archived and stored according to requirements under the National Law and Regulations.
- 4.29 Baringa uses the Springboard eRecruitment system to manage applications for employment. If you are unsuccessful in gaining a position with Baringa, we will retain your details in the event that a suitable position arises. Although the systems we have in place should mean that a full copy of all client-related information is contained in our practice management software, it is inevitable that information will also be stored electronically on multiple devices located in multiple

places. Despite that our staff are instructed not to intentionally store any business-related information on local hardware/devices, there will always be a local footprint of some description.

- 4.30 We will take all reasonable steps to ensure that all personal information we hold is secure from any unauthorised access, misuse or disclosure. However, we do not guarantee that personal information cannot be accessed by an unauthorised person (e.g. a hacker) or that unauthorised disclosures will not occur.

#### **Correcting personal information**

- 4.31 Where we become aware that personal information we hold is not accurate, complete or current, we will take appropriate and reasonable steps to correct it.
- 4.32 You may ask for your personal information to be corrected by contacting the Centre Director or by emailing [baringaboard@gmail.com](mailto:baringaboard@gmail.com)
- 4.33 Please note that we may request proof of identity before acting on your request.

#### **Accessing your personal information.**

- 4.34 You may ask for access your personal information by contacting the Centre Director or by emailing [baringaboard@gmail.com](mailto:baringaboard@gmail.com)
- 4.35 Sometimes we may decline to facilitate access. For example, where:
- it is impractical to facilitate access, or your request is unreasonable.
  - facilitating access would have an unreasonable impact on the privacy or safety of another person or would compromise our professional obligations; or
  - the law permits or requires us to deny you access.
- 4.36 However generally speaking, we will endeavour to grant you access as soon as possible in the circumstances, at a mutually convenient time and place.
- 4.37 Please note that we may request proof of identity before facilitating access.
- 4.38 We may charge a fee for reasonable costs incurred in responding to an access request. The fee (if any) will be disclosed in advance.

#### **Complaints**

- 4.39 Please email any privacy related complaints to [baringaboard@gmail.com](mailto:baringaboard@gmail.com) or post written complaints to the attention of the Privacy Officer at our current postal address.
- 4.40 We will do our best to resolve your concerns to your reasonable satisfaction within a reasonable time.
- 4.41 In the unlikely event that we are unable to resolve your concerns, you may be able to complain externally to organisations such as the Office of the Australian Information Commissioner.

### **5. Definitions**

- APP:** means the Australian Privacy Principles contained in Schedule 1 of the Privacy Act.
- Child Protection Laws:** means any legislation applying in the ACT that deals with the health, safety and wellbeing of children including for example the *Children and Young People Act 2008* (ACT) and the *Working with Vulnerable People (Background Checking) Act 2011* (ACT).
- Family Assistance Laws:** means any legislation applying in the ACT that relates to financial assistance granted to families and/or the Centre by the Commonwealth or Territory governments including for example the

*A New Tax System (Family Assistance) Act 1999 (Cth) and the A New Tax System (Family Assistance) Administration Act 1999 (Cth).*

**National Law:** means the *Education and Care Services National Law Act 2010 (Vic)*, which is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011 (ACT)*.

**National Regulations:** means the *Education and Care Services National Regulations*, published on the NSW legislation register.

**Privacy Act:** means the *Privacy Act 1988 (Cth)*.

## 6. Related Legislation and Documents

Office of the Australian Information Commissioner

APP Quick Reference Tool

National Law: section 174

National Regulations: 12, 168(l) and 174-176

Pages 460-467 of the ACECQA Guide to the National Quality Framework

*Privacy Act 1988 (Cth)*

## 7. Feedback

Families and staff may provide feedback about this document by emailing [baringaboard@gmail.com](mailto:baringaboard@gmail.com).

## 8. Approval and Review Details

| Approval and Review                         | Details   |
|---|---|
| Approval Authority                          | Board   |
| Advisory Subcommittee to Approval Authority | Finance Subcommittee (initial)<br>General Counsel/Legal Director (final). |
| Administrator                               | Centre Director   |
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| Approval and Amendment History       | Details  |
|--------------------------------------|--|
| Original Approval Authority and Date | 30 July 2018   |
| Amendment Authority and Date         | N/A  |
| Notes                                | This policy replaces Policy 8.5 (Privacy & Confidentiality) in the November 2017 edition of the Policies and Procedures Manual.<br><br>It also replaces the "Privacy" section of the Staff Handbook. |