

Policies and Procedures

KU Privacy Policy



Children's Services
Since 1895

KU Children's Services (KU) recognises the importance of safeguarding personal information of children families and its employees. This Privacy Statement relates to the handling of personal information held by KU and the way we collect, use and exchange personal information.

INTRODUCTION

KU is committed to safeguarding the privacy of personal information of children, families and others in the organisation. We have processes and procedures in place to ensure that we collect, use and disclose personal information in accordance with both State and Commonwealth legislation. KU recognises and respects the importance of privacy and confidentiality as an individual right and a foundation for healthy partnerships with families.

This policy has been developed with attention to the Australian Privacy Principles (APPs) as set out in the Commonwealth Privacy Act (1988).

LEGISLATIVE APPLICATIONS

- ▶ Commonwealth Privacy Act (1988)
- ▶ Health Record Act (2001)
- ▶ NSW Children and Young Persons (Care and Protection) Act (1998)
- ▶ NSW Children's Services Regulation (2004)
 - Part 6, Div 2, Part 7, Div 187 and 88: Div 2 92-97
- ▶ Outside School Hours Care Quality Assurance Quality Practices Guide (2003)
 - Principle 2.1, 6.4, 7.1, 8.1, 8.53, 8.3 and 8.6
- ▶ Quality Improvement and Accreditation System (2005)
 - Principle 2.1, 3.2 and 5.1 Children's Services Act (1996) (VIC)

This policy is to be read in read in conjunction with the following documents:

- ▶ Early Childhood Australia Code of Ethics
- ▶ KU Child Protection Policy
- ▶ KU Online Privacy Statement

OBJECTIVE

At KU, we understand that your privacy is important and we have processes and procedures in place to ensure that the way we collect, store, use and disclose personal information and uphold your rights, is done so in accordance with the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act (1988) (Privacy Act).

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IMPLEMENTATION

Purpose of collection

KU collects and hold personal, sensitive and health information about children and their families; and our employees that is reasonably necessary for or related to our activities and the services we provide. The purpose for which your personal information is collected will usually be obvious at the time it is collected. KU collects personal information of parents and guardians, children, employees and stakeholders for the primary purposes of providing early childhood education and care services to you or to another organisation that we are working with to support you.

We advocate for the protection, wellbeing and development of children in our care. In some circumstances, we are required by law to provide personal information (including sensitive) information to another organisation.

KU will only use your personal information for the purpose for which it was collected or for which it would reasonably be expected or related to a secondary purpose.

What we collect

The Privacy Act defines 'personal information' as:

'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and*
- b. whether the information or opinion is recorded in a material form or not.'*

The types of personal information we collect for children and families include:

- ▶ Identifying information such as name, date of birth and employment details.
- ▶ Contact information such as home address, home and mobile phone numbers and email address.
- ▶ Government-issued identifiers such as Medicare numbers, Centrelink Customer Reference Numbers and Tax File numbers.
- ▶ Personal information including age, cultural background, family and lifestyle, medical conditions and health needs.
- ▶ Details of any Court Orders, Parenting Orders or Parenting Plans relating to parenting arrangements or contact arrangements with the child.
- ▶ Family violence intervention orders that relate conditions made to protect children's safety, welfare or wellbeing.
- ▶ Photos, images and written records of children to use in KU services to document children's learning and development and to display in KU services or use in KU promotional material. We will only take and use photographs and artwork of your child with your consent.
- ▶ Financial information, such as bank account and credit card details.
- ▶ Sensitive information, including medical conditions, health needs, and additional needs.
- ▶ Website usage information where you use our website.

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The types of information we collect for KU employees include:

- ▶ Bank account details
- ▶ Tax file number
- ▶ Superannuation account details
- ▶ Address
- ▶ Personal landline and mobile phone numbers (if applicable)
- ▶ Personal email address (if applicable)
- ▶ Copy of driver's licence or other ID e.g. copy of passport
- ▶ Biometric scanning (only in RITEQ where finger print converted to a 13-digit number)
- ▶ Court Orders
- ▶ Date of Birth
- ▶ Salary & wage information
- ▶ Medical details (Workers Compensation, modified duties or personal leave)
- ▶ Workers Compensation claim information
- ▶ Performance review documents and performance improvement plans
- ▶ Work rights verification, certifications, e.g. WWCC, copy of qualifications
- ▶ Personal identifications e.g. cultural backgrounds such as Aboriginal and Torres Strait Islander

Method of collection

For children and families

Personal information will generally be collected from you directly by using our standard forms, over the internet, via email or written communication with you, or through a telephone conversation with you. We may also collect personal information from you by a variety of other means including, but not limited to:

- ▶ KU Forms used to collect information such as the *KU Enrolment Form*, including written or electronic methods of collecting this data
- ▶ Making observation reports of a child's development and behaviour
- ▶ Taking photographs or video recordings of a child at the service by educators
- ▶ Information provided directly by you or a person authorised to provide us with information on your behalf
- ▶ A family member, guardian or carer
- ▶ A third party, for example a health service provider who has treated your child
- ▶ A government agency or advisor who has dealt with you
- ▶ A service provider engaged by us or a third party who partners with us

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For KU employees or others

Personal information will generally be collected from you directly by using our standard forms, over the internet, via email or written communication with you, or through telephone conversations with you.

Use of personal information

We collect, use and exchange information for the purposes of:

- ▶ Providing you with a service if you are a parent or employment if you are a staff member
- ▶ Managing our relationship with you
- ▶ Complying with our legal obligations
- ▶ Seeking funding in relation to education and care services
- ▶ Processing payments
- ▶ Partnerships or working with third parties
- ▶ Performing functions and activities and operational processes
- ▶ Managing and resolving any complaints or issues
- ▶ Managing our risks
- ▶ Conducting research, promotional or marketing activities
- ▶ Marketing, feedback and research activities

We will not use or disclose personal information for any other purpose unless:

- ▶ Consent has been given by the individual or their legal guardian;
- ▶ The parent/legal guardian would reasonably expect us to use or disclose the information for another purpose which is directly related to our primary purpose; or
- ▶ We are required or authorised by law and/or under the Privacy Act.

Storage and security of personal information

We will securely store your personal information to ensure that it is protected from misuse, interference and loss. We will ensure that:

- ▶ All relevant personal information pertaining to children, families and KU employees will be held on an electronic database maintained on our server or on the secure server of an IT service provider used by us. The information is only accessible by persons authorised by KU.
- ▶ Original information on children and families provided in paper form or by way of notes made by our staff, will be kept in safe and secure storage under restricted access at the service.
- ▶ Personal information will be restricted to only those KU employees who have an explicit need to know.
- ▶ KU employee records are maintained in Central Office by our People Services Team.

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Accuracy of information

We take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, complete, up to date and relevant. We keep your personal information for only as long as it is required to provide you with products and services or employment and to comply with our legal obligations. When it is no longer needed for these purposes, we take reasonable steps to destroy or permanently de-identify this personal information.

Failure to provide information

Families who do not wish for their personal information to be collected, need to discuss this with the Director/Coordinator of the KU service. KU staff will act strictly in accordance with this policy; the *KU Standard Terms for the Enrolment of Children*; and legislative requirements. We will be happy to discuss the reasons for seeking to collect your personal information and will also discuss with you any consequences of not providing your personal information, or providing incomplete or inaccurate personal information, which may affect what services KU can provide to you.

Access to or correction of your information

KU requires that families and staff notify KU of any changes to their personal details as soon as they are known.

You have a right to request access to the personal information that we hold about you or your child. There is no fee for making such a request. If you would like to access your personal information, please contact the Privacy Officer (details provided below) and they will assist you with your request.

If any of the personal information that we hold about you is incorrect, incomplete or out of date, if you are a parent, please let the responsible person at your KU service know. If you are a KU employee, please contact the KU People Services team. In both situations, the information will be corrected accordingly.

Please note, there are some circumstances where we are not required to give you access to your personal information or make corrections. This may include, but is not limited to the following circumstances:

- ▶ KU believes that giving access would pose a serious threat to the life, health or safety of any individuals
- ▶ Where there may be an unreasonable impact upon the privacy of other individuals
- ▶ The request for access is frivolous or vexatious
- ▶ The information relates to existing or anticipated legal proceedings
- ▶ Giving access would be unlawful; or
- ▶ Would be likely to prejudice an enforcement related activity being conducted by an enforcement body

Where we decline access or correction, we will tell you why.

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Third Party Privacy Policies

We may include or offer third party products or services as a necessary part of our delivery of early education services and training. These third parties have separate and independent privacy policies. We generally require the third parties to protect your information at least to the same degree that we do. Such third-party privacy policies are available upon request should you require more information.

Overseas data storage

We use some third-party providers to assist us in delivering services to you. Some of your information may be stored on the servers of service providers located in the United States of America and other countries. We will take all reasonable steps to ensure that these providers do not breach the APPs.

Anonymity

Wherever appropriate we will give individuals the option of remaining anonymous when communicating with KU. This will be most relevant where information is collected via the KU website and via survey. In those cases, if information is collected that identifies the individual, we will de-identify it before storing or using it.

Feedback

KU is committed to providing an open, transparent and responsive service. If you are a parent and have any concerns or queries about how your personal information is being handled, please contact the Director/Coordinator of your service; or if you are a KU employee, the General Manager, People Services to discuss your concerns. Alternatively, if you are concerned about the way your personal information has been handled by the service or KU Central Office, you can contact the KU Privacy Officer as set out below.

Complaints or concerns

If you are dissatisfied with the way your personal information has been managed by KU and wish to make a complaint about a breach of privacy, please contact our Privacy Officer.

The first step is to lodge your complaint in writing. We take any complaint regarding the privacy of personal information seriously. We will consider and respond to a written complaint within a reasonable time.

If your complaint remains unresolved, you may take your complaint to the Office of the Australian Information Commissioner (details provided below).

Privacy Officer

KU Children's Services

Box Q132, QVB Post Office, NSW 1230

Fax: 02 9267 6653

Phone: 02 9268 3966

OAIC

Phone: 1300 363 992

Email: enquiries@oaic.gov.au

Website: www.oaic.gov.au

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EVALUATION

We appreciate your feedback regarding our *Privacy Policy*. If you have any comments or queries, please contact

We may change this privacy policy at any time without prior notice. When we do make any changes, we will notify you of the changes by posting an updated version of the policy to our website.

RESOURCES AND REFERENCES

- ▶ Early Childhood Australia Code of Ethics
- ▶ For more information about your right to privacy and the Australian Privacy Principles under the Privacy Act (Cwth) (1988), visit the Office of the Australian Information Commissioner at www.oaic.gov.au

RELATED POLICIES

- ▶ KU Child Protection Policy
- ▶ KU Online Privacy Statement