7.03. CONFIDENTIALITY AND PRIVACY

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Regulatory Policy & Procedure

Statement of Commitment

Wyndham City Council is committed to safeguarding children younger than 18 and ensuring their active participation as valued members of our community, while fostering a child-safe environment. We focus on early identification of risks to protect children from harm, whether caused by adults, harmful behaviours between children, exposure to family violence, or concerns like grooming, cumulative harm, or neglect.

We encourage the reporting of any concerns or suspicions of child abuse or harm. The Reportable Conduct Scheme improves how organisations respond to allegations of abuse, harm, neglect, and risk to children. Under this scheme, the CEO, or their delegate, must report any allegations of child-related misconduct to the Commission for Children and Young People within a specific timeframe.

All allegations are taken seriously, and reporting does not require agreement on the conduct. Concerns can be reported to a line manager or directly to the Senior Child Safe Advisor. Investigations will be conducted by an external party under the oversight of relevant authorities, including Victoria Police, the Department of Families, Fairness and Housing, and Child Protection.

Furthermore, Wyndham City Council has also publicly declared its commitment to being a Child Safe Organisation on our external website and recognises the importance of Child Safety in the provision of quality community services. All children and young people who attend services, programs, events, and community spaces have a right to feel safe, be safe, and be heard. We are committed to maintain a child safe environment, and value a culture of safety within council and its operations.

There are also behavioural expectations to recognise the importance of an inclusive and welcoming environment to all children & young people of the wider community including Aboriginal and Torres Strait Islanders, culturally and/or linguistically diverse, those with a disability and promoting an environment with no tolerance for racism.

Purpose

The purpose of this policy is to guarantee that information regarding children who attend Wyndham Early Education and Care Services (EECS), including media and medical information, is used for its intended purpose, and always kept confidential.

Policy Statement

Information collected by the EECS is for delivering early education and care to children enrolled in the service. All information will remain private and confidential within Wyndham City and will only be disclosed to other persons or agencies with the permission of the parents/guardians or as required by law.

Scope

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of EECS, including during offsite excursions and activities.

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Responsibilities	Approved Provider and EECS Unit	Nominated Supervisors/ Team Leaders	Early Childhood Teacher, Educators, and other staff	Family, parents/guardians	Contractors, volunteers, and students
Ensure all policies and processes developed adhere to national and state law.	✓				
Ensure all policies and processes developed adhere to the requirements of the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).	✓				
Adhere to this policy and any other regulatory requirements regarding privacy and confidentiality.	✓	✓	✓	✓	✓
Provide guidance and support to educators in relation to matters of confidentiality and privacy.	✓	✓	✓		
Provide or support appropriate professional development opportunities in relation to privacy when relevant.	✓	✓			
Ensure the management of information follows relevant legislation.	✓	✓			
Escalate all requests for information under CISS and FVISS to the Area Leader.	✓	✓	✓		
Ensure any information collected, including personal and health information on the Enrolment Details Form is only collected for the solo purpose of education and care	✓	✓	✓		
Ensure the personal information collected, used, or disclosed, is accurate, complete, and up to date.	✓	✓	✓	✓	
Ensure any information including personal and/or health information collected for any child attending the service is not disclosed without parent/guardian permission.	✓	✓	✓		✓
Ensure that all prescribed records are stored in a safe and secure location to ensure privacy and confidentiality.	✓	✓	✓		
Support parent/guardians to complete the *Information and Permissions Form* before the child commences at the service. *(Appendix 7.3.3)*	✓	✓	✓	✓	
Ensure parents/guardians are advised and understand why personal information needs to be provided and what it will be used for.	✓	✓	✓		
Ensure the following child information is not displayed at the service unless written permission has been obtained from the parent/guardian: • child health information, including action plans and risk minimisation plans. • child names, addresses, contact numbers, or other personal information. • parent/guardian names, addresses, contact numbers, or other personal information. • notices, lists, or photographs in any area that can be accessed by the community.	✓	✓	✓		
Provide access to information or the ability to amend information if parents/ guardians request it.	✓	✓			
Contact Council's Privacy Officer if there are any questions regarding the collection, use, storage, or disclosure of any information.	✓	✓			

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Responsibilities	Approved Provider and EECS Unit	Nominated Supervisors/ Team Leaders	Early Childhood Teacher, Educators, and other staff	Family, parents/guardians	Contractors, volunteers, and students
Ensure all confidential conversations with staff, children, and families are held in a quiet space away from others.	✓	✓	✓	✓	✓
Ensure all staff records and other staff information are stored in a safe and secure location.	✓	✓			
Ensure staff, students, and volunteers are informed that their personal information is being kept, for what reason, for how long, and how it will be destroyed at the end of the period.	✓	✓			
Reports, notes, and observations about children must be accurate and free from biased comments and negative labelling of children.	✓	✓	✓		✓
Staff will ensure the privacy and confidentiality of colleagues are always upheld and will not engage in discussion regarding colleagues' private matters.	✓	✓	✓		
Students and volunteers will not compromise the privacy or confidentiality of staff, children, or families by discussing matters outside of the service.					✓
Where information is required as part of their studies, students will only use the information after they have obtained parent/guardian permission in writing.	✓				✓
Understand that authorised parent/guardians may apply for access to, or amendment of information. The application must be made in writing.				✓	

Definitions

The terms defined in this section relate specifically to this policy:

Personal Information: information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. ***Source:*** *Privacy Act 1988*

Health Information: information or an opinion about the physical or mental health or a disability (at any time) of an individual.

Sensitive Information**:** Information or an opinion about an individual's racial, ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a trade union, professional or trade organisation, sexual preference or practice, or criminal record. This is also considered to be personal information.

Prescribed Records: records required by legislation that would contain sensitive or personal information include:

- Enrolment records
- Incident, Injury, Trauma & Illness records
- Medical and Risk Management Plans
- Medication records
- Staff records
- Children's Developmental records

NOTE: All of these records may contain personal, health and/or sensitive information that must be protected from disclosure that has not been authorised by parents or guardians.

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Legislation and Standards

Relevant legislation and standards include but are not limited to:

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011: Regulations 181, 183
- Family Violence Protection Amendment (Information Sharing) Act 2017
- Freedom of Information Act 1982 (Vic)
- Health Records Act 2001 (Vic)
- National Quality Standard, Quality Area 7: Leadership and Service Management
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Regulations 2013 (Cth)
- Public Records Act 1973 (Vic)

Related Appendices & Documents

- Appendix 7.3.1: Standard privacy Clause
- Appendix 7.3.2: FAQ regarding Privacy Issues
- Appendix 7.3.3: Information and Permissions Form

Related Policies

- Arrival and Departure of Children
- Code of Conduct
- Code of Ethics
- Dealing with Compliments and Complaints
- Dealing with medical Conditions
- Enrolment and Orientation
- Inclusion and Equity
- Providing a Child safe Environment
- Staffing Arrangements

Authorisation and Version Control

Version	Objective ID	Action	Date	Endorsement date	Next Review Date
4	A2340461	Minor Changes - wording	29/11/2018	KK 22/01/2019	2021
5	A4005636	Minor Changes - wording	14/11/2022	TP	2024
6	A4673782	Policy updated to new format. Minor wording changes. Statement of Commitment reviewed and updated.	July, 2023	TP	July, 2026
7	A4673782	Updated Wyndham City's Statement of Commitment to a Child Safe Organisation – as per Wyndham City's Child Safe Management page	23/06/2025	TP	July, 2026