

## PURPOSE

The purpose of this policy is to enable Yarra Ranges Kindergartens (YRK) and its employees to understand their ongoing obligation in respect of how, both YRK and its employees manage and handle private information.

At YRK the management of 'personal information' and 'health information' is governed by The Privacy and Data Protection Act 2014 (Vic) and The Health Records Act 2001 (Vic), in conjunction with the Commonwealth Privacy Act (1988).

## APPLICATION

This policy applies to all employees of YRK. All non-employees present on the work site such as contractors, suppliers and volunteers will be expected to abide by this policy for the duration of their presence.

## POLICY

### WHAT IS PERSONAL INFORMATION?

Personal information is recorded information or opinion, whether true or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form. A person's name, address, phone number and date of birth (age) are all examples of personal information.

### WHAT IS SENSITIVE INFORMATION?

Sensitive information is a type of personal information with stronger legal protections due to the risk of discrimination. It includes information or opinion about an identifiable person's racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, criminal record, or membership of a trade union. Personal and sensitive information is regulated in Victoria under the *Privacy and Data Protection Act 2014* (Vic).

### WHAT IS HEALTH INFORMATION?

Health information is information or opinion about an identifiable person's physical, mental or psychological health or disability. Health information is a type of personal information which, because of its sensitivity, also has different and stronger legal protections. Health information is regulated in Victoria under the *Health Records Act 2001* (Vic).

## WHAT TYPES OF PRIVATE INFORMATION DOES YRK COLLECT AND HOW DO WE COLLECT IT?

### **YRK collects the following types of information:**

- Information about children and their families provided by children, their families and others – for example, contact and enrolment details, health information, and parenting and access arrangements.
- Information about job applicants, staff, volunteers and visitors provided by job applicants, staff members, volunteers, visitors and others – for example, qualifications, working with children checks, teacher registration and banking details.
- Information about the activities of children, staff and families if they are on kindergarten grounds or using YRK systems (such as internal networks or software).

### **YRK collect information in several ways, including:**

- In person and over the phone: from children and their families, staff, volunteers, visitors, job applicants and others
- From electronic and paper documentation: such as job applications, emails, invoices, letters, and forms (such as enrolment, excursion, medical, specialist or consent forms)
- Through YRK website, intranet and YRK-controlled social media
- Through online tools: such as apps and other software used by YRK
- Through photographs, film and other recordings
- Through polls, surveys and questionnaires

In some cases, private information is collected through authorised information sharing arrangements with other services. The Child Wellbeing and Safety Act 2005 (the Act) established the Child Information Sharing (CIS) Scheme, which enables sharing of confidential information between prescribed entities in a timely and effective manner to promote the wellbeing and safety of children.

Alongside the CIS Scheme, the Family Violence Protection Act 2008 includes the Family Violence Information Sharing (FVIS) Scheme and the Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework, which enables information to be shared between prescribed entities to assess and manage family violence risk to children and adults.

## WHY DOES YRK COLLECT THIS INFORMATION?

### **YRK collects information about children and their families when necessary to:**

- Educate children
- Support children's social and emotional wellbeing, and health
- Fulfil legal requirements, including to:
  - take reasonable steps to reduce the risk of reasonably foreseeable harm to children, staff and visitors (duty of care)
  - make reasonable adjustments for children with disabilities (anti-discrimination law)
  - ensure, as far as is reasonably practicable, the health and safety of people in YRK workplaces (occupational health and safety law)
- Enable YRK to:
  - communicate with families about children's educational matters and celebrate the efforts and achievements of children

- maintain the good order and management of YRK
- Enable YRK to:
  - ensure the effective management, resourcing and administration of YRK
  - fulfil statutory functions and duties
  - plan, fund, monitor, regulate and evaluate the service of YRK
  - comply with reporting requirements
  - investigate incidents in YRK and/or respond to any legal claims against the YRK and any of its kindergartens.

### **Primary purposes of collecting information about others:**

- To assess applicants' suitability for employment or volunteering
- To administer employment or volunteer placement
- For insurance purposes, including public liability and WorkCover
- To fulfil various legal obligations, including employment and contractual obligations, occupational health and safety law and to investigate incidents
- To respond to legal claims against YRK

## **CONSENT PROCESS**

Consent is when someone voluntarily agrees for their information to be collected, used and shared within or outside of the YRK community. Consent, when required, is sought in different ways and can be verbal, online or in writing, depending on the circumstances. YRK seeks written consent from all families during the enrolment process, this includes seeking consent for photographing children- for more information refer to YRK Photographing, Filming and Recording Children's Policy.

## **EMPLOYEE'S OBLIGATIONS IN RELATION TO PRIVACY**

All employees are under a legal duty to preserve the privacy of information which belongs to YRK. These legal duties are contained in your contract of employment, YRK Code of Conduct and are also imposed by the operation of the law.

### **WHEN CAN WE USE OR DISCLOSE INFORMATION?**

Using and disclosing information refers to how it is utilised for a specific purpose, and how it is shared and made available to other individuals or organisations.

YRK use or disclose information consistent with Victorian privacy law and other associated legislation, including as follows:

- For a primary purpose- for example when communicating with families regarding the need of their child
- For a related secondary purpose- for example, to enable a committee to fulfil its objectives, functions and duties
- With notice and/or consent – for example, consent provided for the use and disclosure of enrolment details (the information collected will not be disclosed beyond YRK without consent, unless such disclosure is lawful)
- When YRK reasonably believes it is necessary to lessen or prevent a serious threat to:
  - a person's life, health, safety or welfare



- the public's health, safety or welfare
- When required or authorised by law – including as a result of our anti-discrimination law, occupational health and safety law, child wellbeing and safety law, family violence law, or reporting obligations to agencies such as the Department of Health and the Department of Families, Fairness and Housing and complying with tribunal or court orders, subpoenas, summonses or search warrants, and in some circumstances to meet our duty of care
- When required under the Child and Family Violence Information Sharing Schemes, with other service providers to promote the wellbeing or safety of children, or to assess or manage family violence risk
- To investigate or report suspected unlawful activity, or when reasonably necessary for a specified law enforcement purpose, including the prevention or investigation of a criminal offence or seriously improper conduct, by or on behalf of a law enforcement agency
- To establish or respond to a legal claim

Where an employee is unsure if they can disclose certain information, clarification must be sought from a Manager.

## STORING AND SECURING INFORMATION

YRK takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. YRK stores all paper and electronic records securely, consistent with records management policy and information security standards. Refer to the Information and Communication Technology Policy for further information.

If employees of YRK are unsure of how to safely store information or feel that information may be stored in an unsecure location they must notify their Manager immediately.

## RELATED POLICIES:

- Disciplinary Procedures Policy
- Confidentiality Policy
- Child Safe Environment Policy
- Code of Conduct Policy
- Information and Communication Technology Policy
- Photographing, Filming and Recording Children's Policy
- Equal Opportunity- Anti Discrimination, Anti-Harassment and Bullying Policy
- Occupational Health and Safety Policy

## BREACHING THIS POLICY

Any breach of YRK policy may result in disciplinary action up to and including termination of employment. Disciplinary procedures that can be actioned by YRK will be in line with the YRK disciplinary procedures policy.

Independent contractors and other non-employees who are found to have breached this policy may result in the termination of their contract with YRK.

## WHAT HAPPENS IF AN EMPLOYEE BREACHES THEIR OBLIGATIONS OF PRIVACY?

YRK views a breach of privacy extremely seriously. Employees who breach obligations of privacy seriously undermine the trust that YRK can have that the employee will perform their duties properly and in YRK's best interests.

In many cases, a breach of privacy will constitute grounds for immediate termination of employment. At YRK's discretion other less serious disciplinary action may be taken.

## POLICY REVIEW

YRK may make changes to this policy from time to time.

## WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

I acknowledge:

- I have received, read and understood the policy,
- I am required to comply with the policy; and

There may be disciplinary consequences if I fail to comply, up to and including the termination of my employment.

**Name:** .....

**Signature:** .....

**Date:** .....