

Privacy & Confidentiality Policy & Procedure

ELC Training Australia Pty Ltd
RTOID: 45839



Privacy and Confidentiality Policy and Procedure

Version 1.0

Purpose:	The purpose of this policy is to uphold an ethical and legal responsibility to protect the privacy and confidentiality of individuals and staff as outlined in Code of Ethics, National Education and Care Regulations and the Privacy Act 1988 (Cth).
Scope:	This policy applies to all ELC Training staff, contractors, any applicable third parties and students (learners) and covers all units and qualifications within the scope of ELC Training's registration.
Responsibilities:	The CEO is ultimately accountable for adherence to this policy.
Standards:	This policy contributes to compliance with clauses 4.1, 5.1, 5.2 and 7.5.
Policies:	This policy contributes to compliance with the <i>Pre-Enrolment Student Information & Support</i> and <i>Fees and Charges and Refunds</i> policies.
Procedures:	This policy supported by the <i>Marketing and Advertising Procedures</i> and supports the <i>Course Information</i> and <i>Pre-Enrolment, Enrolment & Student Administration</i> procedures.
Tools:	This policy is supported by the <i>Marketing and Advertising Checklist</i> , <i>Marketing and Advertising Register</i> , <i>Marketing Consent Form</i> , <i>Course Outline Template</i> , <i>Course Publishing Checklist</i> , <i>Fee Schedule</i> , and the <i>Student Handbook</i> .

Policy Statement

To ensure that the confidentiality of information and files relating to the students, staff, and visitors using the Service is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual students, staff and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records. We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information. Our Service takes data integrity very seriously, we strive to assure all records and data is protected from unauthorised access and that it is available to authorised persons when needed. This policy provides procedures to ensure data is stored, used and accessed in accordance with relevant policies and procedures.

Implementation

Under National Law, Section 263, ELC Training is required to comply with Australian privacy law which includes the *Privacy Act 1988* (the Act) aimed at protecting the privacy of individuals. Schedule 1 of the *Privacy Act* (1988) includes 13 Australian Privacy Principles (APPs) which all services are required to apply. The APPs set out the standards, rights and legal obligations in relation to collecting, handling, holding and accessing personal information.

Businesses that suspect an eligible data breach may have occurred, must undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected. A breach of an Australian Privacy Principle is viewed as an '*interference with the privacy of an individual*' and can lead to regulatory action and penalties.

source: OAIC Australian Privacy Principles

Further information about the APPs is included in Appendix 1 of this policy.

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The CEO will:

- ensure the Service acts in accordance with the requirements of the Australian Privacy Principles and *Privacy Act 1988* by developing, reviewing, and implementing procedures and practices that identify:
 - the name and contact details of the Service
 - what information the Service collects and the source of information
 - why the information is collected
 - who will have access to information
 - collection, storage, use, disclosure, and disposal of personal information collected by the Service
 - any law that requires the particular information to be collected
 - adequate and appropriate storage for personal information collected by the Service
 - protection of personal information from unauthorised access.
- provide students and staff with relevant information regarding changes to Australian privacy law and Service policy
- ensure all relevant students and staff understand the requirements under Australia's privacy law and Notifiable Data Breaches (NDB) scheme
- maintain currency with the Australian Privacy Principles (this may include delegating a staff member to oversee all privacy-related activities to ensure compliance).
- ensure personal information is protected in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012*
- ensure all records and documents are maintained and stored in accordance with Regulations
- regularly back-up personal and sensitive data from computers to protect personal information collected
- ensure all computers are password protected and install security software- antivirus protection
- deal with privacy complaints promptly and in a consistent manner, following the appeals and complaints policy and procedures
- ensure students only have access to the files and records of their own information
- ensure information given to students will be treated with respect and in a professional and confidential manner
- ensure information relating to staff employment will remain confidential and available only to the people directly involved with making personnel decisions
- ensure that information shared with the Service by the student will be treated as confidential unless told otherwise
- complete a *Privacy Audit* every 12 months or following a breach of data to ensure the service meets lawful obligations, identifies areas for improvement and to detect potential areas of breach in privacy law

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Staff will:

- read and adhere to the *Privacy and Confidentiality Policy* at all times
- treat private and confidential information with respect in a professional manner
- not discuss individual students performance with other students
- ensure that information shared with ELC Training will be treated as confidential unless told otherwise
- maintain individual and Service information and store documentation according to this policy at all times
- not share information about the individual or service, management information, or other staff as per legislative authority
- not share any breach of privacy or confidentiality from a student with other students or staff unless necessary

Australian Privacy Principles- Personal Information

ELC Training Australia is committed to protecting personal information in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012*.

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

(Source: OAIC-Australian Privacy Laws, Privacy Act 1988)

Personal information our Service may request regarding student

- Full name
- Address
- Phone number (mobile & work)
- Email address
- Personal details
- Emergency contact details
- Medical details
- Immunisation details including COVID-19 vaccinations, please check your state/territory requirements
- Working With Children Check verification
- Educational Qualifications
- Medical history
- Resume
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates
- Professional Development certificates
- PRODA related documents such as RA number and related background checks

Method of Collection

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Information is generally collected using standard forms at the time of enrolment.

Additional information may be provided to the ELC Training through student management systems, email, surveys, telephone calls or other written communication.

Information may be collected online through the use of software such as aXcelerate

How we protect your personal information

To protect your personal and sensitive information, we maintain physical, technical and administrative safeguards.

All hard copies of information are stored in individual files or staff individual files.

All computers used to store personal information are password protected. Each staff member will be provided with a unique username and password. Staff will be advised not to share usernames and passwords.

Access to personal and sensitive information is restricted to key personal only.

Security software is installed on all computers and updated automatically when patches are released

Data is regularly backed up on external drive and/or through a cloud storage solution

Any notifiable breach to data is reported

All staff and students are aware of the importance of confidentiality and maintaining the privacy and security of all information.

Procedures are in place to ensure information is communicated to intended recipients only, example invoices and payment enquiries

The Approved Provider will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to another person other than:

- with the written consent using an access to records request form of the person who provided the information.

Disclosing personal and sensitive information

Our Service will only disclose personal or sensitive information to:

- a third-party provider with permission
- authorised officers (for example public health officer)
- the regulatory authority or an authorised officer
- as expressly authorised, permitted or required to be given by or required to be given by or under any Act or Law
- with the written consent of the person who provided the information.

Complaints and Appeals

If a student employee has a complaint or concern about ELC Training, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to complete and follow the appeals and complaints policy

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and procedure immediately so reasonable steps to investigate the complaint can be made and a response provided.

For any other general concerns, please contact the Approved Provider directly on: admin@elctraining.com.au or visit the website www.elctraining.com.au.

APPENDIX

The Australian Privacy Principles (APPs) outline

- The open and transparent management of personal information, including having a privacy policy
- An individual having the option of transacting anonymously or using a pseudonym where practicable
- The collection of solicited personal information and receipt of unsolicited personal information including giving notice about collection
- How personal information can be used and disclosed (including overseas)
- Maintaining the quality of personal information
- Keeping personal information secure
- Right for individuals to access and correct their personal information

The APPs place more stringent obligations on APP entities when they handle 'sensitive information'. Sensitive information is a type of personal information and includes information about an individual's:

- Health (including predictive genetic information)
- Racial or ethnic origin
- Political opinions
- Membership of a political association, professional or trade association or trade union
- Religious beliefs or affiliations
- Philosophical beliefs
- Sexual orientation or practices
- Criminal record
- Biometric information that is to be used for certain purposes

Australian Privacy Principles (APPs)

APP 1 – Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 – Anonymity and Pseudonymity

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Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 – Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of ‘sensitive’ information.

APP 4 – Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 – Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 – Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 – Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 – Cross-order disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 – Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier or use or disclose a government related identifier of an individual.

APP 10 – Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 – Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 – Access to personal information

Outlines an APP entity’s obligations when an individual request to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 – Correction of personal information

Outlines an APP entity’s obligations in relation to correcting the personal information it holds about individuals.

Source: Australian Government Office of the Australian Information Commissioner (OAIC)

<https://www.oaic.gov.au/privacy/>

Source

Australian Childcare Alliance. (2019). Changes to Australia’s privacy law: What ECEC services need to know: <https://childcarealliance.org.au/blog/115-changes-to-australia-s-privacy-law-what-ecec-services-need-to-know>

Australian Children’s Education & Care Quality Authority. (2014)

Australian Government Department of Education, Skills and Employment. *Child Care Provider Handbook (2018)* <https://www.dese.gov.au/resources-child-care-providers/resources/child-care-provider-handbook>

Australian Government Office of the Australian Information Commission – Australian Privacy Principles: <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Early Childhood Australia Code of Ethics. (2016).

Education and Care Services National Law Act 2010. (Amended 2018). [Education and Care Services National Regulations](#). (2011).

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).

Guide to the National Quality Framework. (2017). (Amended 2020).

Privacy Act 1988.

Revised National Quality Standard. (2018).

UN General Assembly (1989) United Nations Convention of the Rights of a child

PRIVACY AND CONFIDENTIALITY PROCEDURE

Privacy is acknowledged as a fundamental human right. ELC Training has an ethical and legal responsibility to protect the privacy and confidentiality of individuals as outlined in the Code of Ethics, National Education and Care Regulations and the Privacy Act 1988 (Cth). The right to privacy of all students and staff of the Service will be upheld and respected.

STEP 1 – COLLECTION OF DATA

JAWBEM GROUP is committed to protecting personal information in accordance with our obligations under the *Privacy Act 1988* and *Privacy Amendments (Enhancing Privacy Protection) Act 2012*.

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

Source: OAIC-Australian Privacy Laws, Privacy Act 1988

Personal information our Service may request regarding student

- Full name
- Address

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- Phone number (mobile & work)
- Email address
- Personal details
- Emergency contact details
- Medical details
- Immunisation details including COVID-19 vaccinations, please check your state/territory requirements
- Working With Children Check verification
- Educational Qualifications
- Medical history
- Resume
- Child Protection qualifications
- First Aid, Asthma and Anaphylaxis certificates
- Professional Development certificates
- PRODA related documents such as RA number and related background checks

STEP 2 - METHOD OF COLLECTION OF INFORMATION

Information is generally collected using standard forms at the time of enrolment.

Additional information may be provided to the ELC Training through student management systems, email, surveys, telephone calls or other written communication.

Information may be collected online through the use of software such as aXcelerate

STEP 3 - STORAGE OF PERSONAL INFORMATION

To protect personal and sensitive information, our Services maintains physical, technical and administrative safeguards. All personnel records will be stored securely and only accessed by authorised personnel.

- 1) All hard copies of information will be stored in children's individual files or staff individual files in a locked cupboard or filing cabinet
- 2) All computers used to store personal information are password protected. Each staff member will be provided with a unique username and password for access to CCS software and program software. Staff are not permitted to share usernames and passwords
- 3) Access to personal and sensitive information is restricted to key personal only
- 4) Security software is installed on all computers and updated automatically when patches are released
- 5) Data is regularly backed up on external drive and/or through a cloud storage solution
- 6) Any notifiable breach to data is reported
- 7) All staff are bound to respect the privacy rights of other personnel of the service. All staff must sign a *Confidentiality Agreement* to maintain the privacy and security of information and agree to delete any confidential information from personal devices, surrender documentation, software and any other materials related to ELC Training upon ceasing employment with the service.

- 8) Procedures are in place to ensure information is communicated to intended recipients only.

STEP 4 - ACCESS TO PERSONAL AND SENSITIVE INFORMATION

The Approved Provider will ensure that information kept in student files is not divulged or communicated through direct or indirect means to another person other than:

- the extent necessary for the education and care or medical treatment of the student to whom the information relates
- the Regulatory Authority or an authorised officer
- as expressly authorised, permitted or required to be given by or under any Act or law
- with the written consent of the person who provided the information.

STEP 5 - DISCLOSING PERSONAL AND SENSITIVE INFORMATION

ELC Training will only disclose personal or sensitive information to:

- a third-party provider with permission

STEP 6 - COMPLAINTS AND GRIEVANCES

If a student has a complaint or concern about ELC Training, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to complete and follow the appeals and complaints policy and procedure immediately so reasonable steps to investigate the complaint can be made and a response provided.

For any other general concerns, please contact the Approved Provider directly on: admin@elctraining.com.au or visit the website www.elctraining.com.au.