

Records Management & Privacy

Policy/Procedure Number: QA7 - 4

Policy/Procedure Requirement: National Quality Standards 4 & 7; Regulations 162 & 168

Policy Statement

To ensure that information collected is stored and accessed securely; privacy and confidentiality of personal information is protected; and appropriate record management practices are in place according to relevant legislative and regulatory requirements including the Privacy Act 1988, National Law, National Regulations and Family Assistance Law.

Rationale

The Approved Provider and the Service will have to ensure the privacy and confidentiality of personal information related to children, parents, Educators and staff, and have in place appropriate records management practices.

Strategies and Practices

The Service will keep the Educators and staff informed of the privacy and confidentiality requirements, and the records management requirements under the various legislation.

Records Management:

Records and information are stored appropriately to ensure confidentiality and are maintained in accordance with legislative requirements. All records relating to children, families and FDC Service operations will be:

- Kept in a safe and secure manner only accessible by authorised personnel
- Be destroyed after a period of time (minimum 7 years) in line with legislation

However, Records relating to:

- An **incident, illness, injury or trauma** suffered by the child while being educated and cared for by the FDC Service – retained **until the child is 25 years of age**
- An **incident, illness, injury or trauma** suffered by a child **following an incident** while being educated and cared for by the Service – retained **until the child is 25 years of age**
- The **death of a child** while being educated and cared for by the FDC Service or that may have occurred as a result of an incident while being educated and cared for – retained **until 7 years following the death of a child**
- A **child** enrolled in the FDC Service – retained until the **end of 3 years after the last day** on which the child was educated and cared for
- The records related to the **Approved Provider** are retained until the **end of 3 years after the last date** on which the Approved Provider operated the FDC Service
- The Nominated Supervisor, FDC Coordinators and/or FDC Educator providing education and care on behalf of the FDC Service – retained until the **end of 3 years after the last date** on which the

nominated supervisor or Coordinator provided education and care on behalf of the Service

- **All other records** are retained until the **end of 3 years** after the date on which the record was made
- Under the Family Assistance Law, the Service is required to keep the records specified in the *A New Tax System (Family Assistance) (Administration) (Child Care Subsidy – Record Keeping) Rules 2006*
- This includes the following kinds of records which are required to be kept **for 3 years from the end of the calendar year** in which the care was provided to which the record relates:
 - enrolment forms
 - attendance records for each child, including records for any absences from care
 - supporting documents for 'additional' absence(s)
 - supporting documents for SCCS and 24-hour care
 - copies of receipts issued to people who have paid for child care fees
 - the full name, residential address and contact telephone number for each Educator and address and telephone number of premises where care is provided, and
 - insurance policies and any documentation relating to insurance

All documentation generated by the Service in the operation of their duties and responsibilities under the National Law and National Regulations will be kept by the FDC service.

When a FDC Educator leaves or is terminated from the Service, all documentation referred to in Regulation 179 need to be submitted to the Approved Provider of the FDC Service:

- Documentation of child assessments or evaluations for delivery of the educational program
- Incident, injury, trauma and illness records
- Medication records
- Children's attendance records
- Child enrolment records
- Record of visitors to the FDC residence

The National Regulations impose the following requirements with regard to FDC records:

- Children's attendance records to be kept by Approved Provider and FDC Educator
- Child enrolment records to be kept by Approved Provider and FDC Educator
- Authorisations to be kept on enrolment record
- Health information to be kept on Enrolment Form
- Prescribed enrolment and other documents to be kept by Approved Provider and FDC Educator
- Educator to provide documents on leaving service
- Evidence of prescribed insurance
- Confidentiality of records kept by Approved Provider
- Confidentiality of records kept by FDC Educator
- Storage of records and other documents
- Storage of records after service approval transferred

Confidentiality:

- The **FDC Educator will keep confidential**, the affairs of each child in their care and of the child's family, and shall not disclose any information to a third party other than the FDC Service or as legally required to do so
- Confidential conversations will be conducted in a quiet area away from other children, parents, staff and FDC Educators. Such conversations in relation to the health and wellbeing of the child should be **noted in writing and stored in a confidential manner**
- Reports, notes and observations in relation to Educators, Service staff and children must be objective, accurate and **free from bias and negative comments including use of labels**
- Students, volunteers and/or visitors to the FDC Educator's residence will ensure that information in regard to Educators, Service staff, children and families is not discussed outside of the context in which it was heard
- Any information received or transmitted via mobile telephone (including text/SMS) or any other electronic device (example email) shall be treated with the same confidentiality as any other written form of communication and must be stored confidentially

Privacy:

- The FDC Service and Educators will not collect sensitive information unless the individual has consented or there is a legal requirement to do so or in other special circumstances that have a bearing on the wellbeing of the child
- Every reasonable step will be taken to ensure personal information collected, used or disclosed is accurate, complete and current
- Every reasonable step will be taken to ensure that personal information held within the Service is protected from misuse, loss and from unauthorised access, modification or disclosure

Resources and Further Readings

- Education and Care Services National Regulations
- Education and Care Services National Law Act 2010
- Family Assistance Law
- Privacy Act 198 and Australian Privacy Principles
- ACECQA National; Quality Framework Resource Kit www.acecqa.gov.au

Related FDC Policies, Procedures & Documents

- Educator Service Agreement

Created: May 2015
Reviewed: May 2016, June 2017, December 2017, June 2019, March 2020
Next Review: