



Document	<i>Policy</i>
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Privacy

Purpose & Scope

Educate Early Learning is a not-for-profit community organisation committed to supporting families to access quality early childhood education and care.

The privacy of personal and sensitive information collected by our service will be protected and confidentiality maintained. We recognise and respect the importance of privacy and confidentiality, both as an individual right and as a basis for building partnerships.

Our services will manage all personal information required to be collected under legislation in accordance with the Information Protection Principles (IPPs), including the collection, storage, use and disclosure of personal information.

Practices

How is personal information defined

This is defined in the [Privacy and Personal Information Protection Act 1998 \(PPIPA\)](#) to be "information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion".

The service will ensure that each family, staff member, educator, volunteers and / or student is provided with a privacy collection statement that includes details about how they can access their personal information, have this corrected as needed, where the information is stored and make a complaint about a breach of privacy, if one occurs.

Personal information collected by our service can include your name, email address and any other information you provide.

Personal information will only be collected where necessary and only held while it is required for administrative purposes.

Collecting Personal Information

Collection of information is limited to those details necessary to meet regulatory requirements and to enable our education and care service meet the needs of each child, family and educator.

Personal information will be collected from you directly using our standard forms, over the internet via our website, via electronic platforms such as OWNA, via email or written communication with you, or through a telephone conversation with you. (Please refer to our Governance, Records Management and Policy Review Policy which outlines the information we collect.)

With written approval from families, photos and videos of children and children's work samples will also be collected by the service to monitor children's development, document



injuries/illnesses and provide feedback to families about their child's participation in the program.

Photos and videos will be stored while the child's enrolment is active and archived after leaving the service.

When we collect or hold personal information, we are bound to the privacy legislation contained within the PPIPA.

Using Personal Information

Personal information will only be used for the purpose for which it was collected, or a directly related purpose that the person would expect.

Our Services staff, educators or authorised representatives are allowed to use your information as part of delivering services to you or in communication with you. We have strict guidelines for staff and educators about how customer information is accessed, stored and used.

Under the PPIPA, other agencies (particularly law enforcement agencies) may also have the right to gain access to personal information held by Educate Early Learning. Some agencies (particularly law enforcement agencies) have legal authority to inspect our Internet Service Provider's logs and obtain your address if required for an official investigation or enquiry.

Authorised for Disclosure

Our services will ensure that personal and sensitive information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined as appropriate in the Education and Care Services National Regulations R181, which says information can be communicated:

- to the extent necessary for the education, care or medical treatment of the child
- to the parent of the child to whom the information relates
- to the regulatory authority or an authorised officer
- as authorised, permitted or required to be given by or under any act or law, and
- with written consent of the person who provided the information.

Parent/guardian permission will be obtained before disclosing a child's personal and sensitive information to a professional attending or advising our service for the specific purpose of providing a service for a child. This includes early intervention teachers, speech therapists, occupational therapists, doctors and counsellors.

Access and Correction of Personal Information

Our service will allow the person to whom the information relates to access their personal information without excessive delay or expense and allow them to update, correct or amend their personal information.

Individuals can request amendments to their personal information where the personal information is incorrect. We will take reasonable steps to correct the information so that it is

accurate, complete and up to date.

There may be some circumstances as prescribed by the Privacy and Personal Information Protection Act (PPIPA), where access to information may be declined including:

- Access to information could compromise the privacy of another individual
- Access may result in a breach of the Service's Duty of Care to the child
- Children have provided information in confidence, such as child protection disclosures
- The request for information is frivolous or vexatious
- The information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianship.

Please Note

Information Exchange Provisions:

The Children Legislation Amendment Act 2009 increased the information sharing provisions of the Children and Young Persons (Care & Protection) Act 1998. These provisions authorise agencies and non-government organisations i.e. (insert service name) to exchange/share information that relates to a child or young person's safety, welfare or well-being.

Our services must comply with a request for information (provided it relates to the safety, welfare or well-being of a child or young person) if they believe that the provision of information may assist the recipient agency and vice versa.

This legislation overrides other laws that prohibit or restrict the disclosure of personal information i.e. Privacy and Information Act 1998. Should information need to be exchanged, our service will seek and gain consent from the parent/carer that information about them/their child may be provided or is being provided to other 'prescribed bodies'.

Circumstances in which our service would not seek to inform the parent/carer about exchanging information would include:

- if it was likely to further jeopardise a child or young person's safety, welfare or wellbeing
- if it would place service employees / educators at risk of harm
- if the service were unable to contact a parent and the matter was urgent.

Storage and Security

The services will ensure that all personal information is stored securely reducing the chance of unauthorised access, modification, misuse, loss and disclosure.

Credit card details are stored by Children's Services Administration only for recurring payment of fees, the details are entered into a Payment Card Industry Data Security Standard (PCI-DSS) compliant payment facility where only redacted details are visible once entered.

Data Breaches

The Notifiable Data Breaches (NDB) scheme requires all businesses regulated by the Privacy Act (including education and care services) to provide notice to the Office of the Australian Information Commissioner and affected individuals of any data breaches (ie. data leaks) that are “likely” to result in “serious harm.”

An eligible data breach arises when the following three criteria are satisfied:

- there is unauthorised access to or unauthorised disclosure of personal information, or loss of personal information, that an entity holds
- this is likely to result in serious harm to one or more individuals, and
- the entity has not been able to prevent the likely risk of serious harm with remedial action.

Should there be a NDB at our service, the approved provider will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected.

In the event of suspected or known data breach where personal information was accessed or disclosed without authorisation or is lost, the service will immediately take action to limit access or further distribution of the personal information or possible compromise of information and advise the Portfolio Manager of the possible or known data breach.

Chief Executive Officer and Executive team as delegated will assess and manage the data breach in consultation with the internal Financial and Risk Committee, in line with our obligations under the Privacy and Personal Information Protection Act (PPIPA) and in accordance with the Notifiable Data Breaches Scheme.

Remedial action will be taken as soon as practicable, where the data breach is assessed as likely to cause serious harm to any of the individuals concerned, they will be notified.

Complaints and feedback

If you wish to make a complaint about a breach by us of the Privacy and Personal Information Protection Act, Information Protection Principles or the Privacy Code of Practice for Local Government, please contact us as set out below and we will take reasonable steps to investigate the complaint and respond to you. If you are not happy with our response, you may complain directly to the Chief Executive Officer or the NSW Privacy Commissioner.

If you have any queries or concerns about our privacy policy or the way we handle your personal information, please contact the services Service Manager, Portfolio Manager, or Chief Executive Officer.

Educators will:

- maintain children’s information and store documentation according to policy at all times.
- not share information about the education and care service, management information, other educators or children and families, without written permission or legislative authority.

- inform their supervisor of any suspected or known data breach where personal information was accessed or disclosed without authorisation or is lost.

In keeping with the Early Childhood Australia (ECA) Code of Ethics (2016), the Education and Care Services National Regulations and the Australian Privacy Principles, educators and staff employed by our education and care service bound to respect the privacy rights of children enrolled and their families; educators and staff and their families and any other persons associated with the service.

Policy Development & Review

Approved providers must ensure their education and care services have policies and procedures covering a range of areas set out in regulations 168 and 169 of the National Regulations.

Policies and procedures will be reviewed in consultation with stakeholders on a regular basis. Policies and procedures are available at the Service or via the OWNA App and stakeholders will be consulted about all policy and procedure changes.

Identifying the need for Policy Development and/or Review

Triggers for development of a new, and/or review of an existing, policy / procedure may include:

1. Standard review is timetabled every 3 years.
2. A gap has been identified in service practice
3. Additional knowledge or information has become available to supplement the policy (e.g. changes to best practice research results)
4. External factors such as changes to laws, regulations, terminology and/or government policy; or changes to funding environment, including requirements of funding bod(y)ies
5. Internal / organisational factors:
 - a stakeholder has identified a need in writing,
 - a serious or critical incident has occurred
 - a near miss has occurred, which has the potential to be a serious/critical incident in the future
 - need for consistency in service delivery across Children's Services
 - separate, stand-alone policy is now warranted.

Consultation

Parents, staff, educators, other stakeholders and relevant authorities are able to provide feedback on existing policies, policies under review, drafts of new policies under development, and other related documents. Policies and other documents are accessible to the community at the Services or for Families on OWNA.

A minimum of 14 days' notice to provide feedback will be provided before adopting any changes to a policy or procedure that would:

- have a significant impact on any enrolled child
- affect the family's ability to utilise the service, or
- affect the fees charged or the way fees are collected.



The notice period is not required if the change to a policy or procedure is to address an issue in relation to the safety, health or wellbeing of any child enrolled at the service.

Information about the proposed changes will be explained and communicated prior to implementation.

Where needed translated information will be made available to families.

Maintenance & Review

A Policy Review Schedule will be maintained, recording the last review date and feedback that can be used to inform future policy reviews.

Policies will be reviewed at least every three years to accommodate changes in practice, legislation, standards, and current trends.

To ensure that policies are understood and being followed, staff and educators will complete knowledge and compliance checks to assess their knowledge within agreed timeframes.

Evaluation

All information related to the service, the educators and families is maintained in a private and confidential manner in accordance with the Privacy and Personal Information Protection Act (PPIPA) and the Education and Care Services National Regulations.

Legislation & References

Education and Care Services National Law Act

Education and Care Services National Regulations

National Quality Standards

[Privacy and Personal Information Protection Act](#)

[Privacy Act 1988](#) (Commonwealth)

[Processing electronic card payments securely](#). Australian Government.

www.business.gov.au

CELA - Privacy and Confidentiality Policy

[National Model Code – Taking images in early childhood education and care](#)

[Guide to the Child Safe Standards](#)

Governance and Records Management Policy and procedure



Related Policies

- Privacy Statement

Related Forms

Document Control

Current Version	Effective	Document Owner/Responsibility
1	July 2025	<ul style="list-style-type: none">• Board of Directors• Chief Executive Officer• Portfolio Manager