

ARMIDALE & DISTRICT FAMILY DAY CARE

CONFIDENTIALITY PROCEDURE

Related documentation Policies:	Code of Ethics, Governance Policy, Privacy Policy.
Regulation/s/ Standards:	Education & Care Services National Regulations 16, 182, 183. National Quality Standards 4, 5, 6 & 7
References:	Children and Young Person's Care and Protection Act 1998, Privacy and Personal Information Protection Act 1998, NSW Government Moin & Associate, Lawyers.
Procedures:	Management of Records Procedure.
Date effective	January 2025
Date for review	January 2028
Purpose	AFDC recognises and respects the importance of an individual's privacy and confidentiality and will use our best endeavours to protect and preserve the privacy and confidentiality of all stakeholders.
Responsibility/applies	Directors, Management, Coordination Unit Staff, Educators and families.

Key information:

Confidentiality is a set of rules or a promise that limits access to or places restrictions on certain types of information.

Confidential Information is information that is not in the public domain, i.e. facts or knowledge that are private or personal.

Confidentiality implies a relationship between two or more persons in which the information communicated between them is kept in confidence (Australian Legal Dictionary).

AFDC will use our best endeavours to protect an individual's confidential information even if there is no contractual relationship between AFDC and the stakeholder.

The key partner groups in AFDC, the members of which are bound by this procedure are:

- Directors
- Management
- Coordination Unit Staff, and
- Educators.

Responsibilities

AFDC Board of Directors:

- Will only collect information necessary for the effective operation of AFDC and which is relevant to the purpose for which the information was obtained.
- Will use their best endeavours to ensure that information and records in a secure manner to prevent accidental or purposeful access by unauthorised persons.
- Individual Directors are obligated not to disclose to a third party any information which comes into their knowledge as a result of their role as a Board Member.
- This obligation extends to the non-disclosure of such matters as the financial situation of AFDC and any information relating to any of the stakeholders.

Management:

- Has a principal and continuing obligation to ensure that the integrity of all confidential information obtained from stakeholders remains confidential to the extent required by the law and this procedure.
- Will store information and records in a secure manner to prevent accidental or purposeful access by unauthorised persons.
- Will monitor the issue of confidentiality and non-disclosure of information and when necessary, will take such action as is deemed necessary to protect the confidential information of stakeholders where they become aware of actual or potential disclosure.
- To keep personal information obtained by AFDC secure and confidential, management must only disclose information obtained in the course of providing education and care when the disclosure is:
 - Relevant to the purpose for which the information was obtained,
 - Necessary to prevent or lessen a threat to life or health,
 - Consented to in writing by the person providing the information,
 - Mandatory under the Children and Young Persons (Care and Protection) Act 1998, or
 - An exchange of information related to Child Protection- sharing information with other agencies related to the safety, welfare and wellbeing of a child or young person.
- Will amend incorrect or misleading information and update records as required e.g., health records, court orders etc.
- Will inform the Board of Directors of AFDC and relevant partners where confidentiality has been breached through theft, loss of data or accidental or deliberate acts.
- Will only provide copies of confidential or records to third parties as requested through a court order or similar legislative instrument.

Coordination Unit Staff:

All Coordination Unit staff bear the responsibility for the day to day running of AFDC service. Coordination Unit team members must recognise that files and documents contain personal and private information and that they need to be conscious of information held by them, assisting management in

fulfilling its obligations and responsibilities.

Educators:

Each Educator must keep the information that they hear and read concerning stakeholders confidential, whether it relates to that stakeholder's personal and private matters unless:

- Consented to in writing by the person providing the information,
- Mandatory under the Children and Young Persons (Care and Protection) Act 1998, or
- An exchange of information related to Child Protection- sharing information with other agencies related to the safety, welfare and wellbeing of a child or young person.

Exclusion:

The Crimes Act 1991 excludes privacy protection for unlimited periods where a person seeking employment or currently employed in early childhood care and education is convicted for a sexual offence or a serious offence that attracts a prison sentence exceeding six months.

Acknowledgement:

I acknowledge that I have read, understood and agree to comply with the obligations outlined in this Confidentiality Agreement.

Signature: _____

Date: _____

Name: _____

Position: _____