

Privacy & Confidentiality Policy



Policy Relevant to:	All employees, educators, Board Directors, Management, volunteers, visitors, contractors and families
Last Reviewed:	September 2025
Next Review:	March 2027
ECS National Law:	S263
ECS National Regulation:	r168, r170, r171, r177, r181, r183, r184
NQS:	7.1, 7.1.1, 7.1.2, 7.1.3, 7.2
National Legislation:	Privacy Act 1988 Child Care Subsidy Secretary's Rules 2017 Family Law Act 1975 A New Tax System (Family Assistance) Act 1999 Family Assistance Law https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook

Rationale

Privacy is acknowledged as a fundamental human right. Adventure Patch has an ethical and legal responsibility to protect the privacy and confidentiality of children, individuals and families as outlined in Adventure Patch Code of Conduct, Education and Care Services National Regulations and the Privacy Act 1988 (Cth). The right to privacy of all children, their families, and educators and staff of Adventure Patch services will be upheld and respected, while ensuring that all children have access to high-quality early years care and education. All staff members and educators will maintain the confidentiality of personal and sensitive information to foster positive trusting relationships with families.

Purpose

To ensure that the confidentiality of information and files relating to the children, families, staff, and visitors using Adventure Patch services is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff and management by ensuring continuous review and improvement of 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.

Adventure Patch takes data integrity very seriously. We strive to ensure 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- for example, *Enrolment Policy*, *CCS Account Policy*.

Implementation

Under National Law, Section 263, Early Childhood Services are 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.

The Notifiable Data Breaches (NDB) scheme requires Early Childhood Services, Family Day Care Services, and Out of School Hours Care Services to provide notice to the Office of the Australian Information Commissioner (formerly known as the Privacy Commissioner) and affected individuals of any data breaches that are 'likely' to result in 'serious harm'.

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.

Adventure Patch will:

- Ensure that obligations under the *Education and Care Services National Law and National Regulations* are met.
- Ensure the organisation 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 Adventure Patch.
 - What information Adventure Patch 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 Adventure Patch.
 - Any law that requires the particular information to be collected.
 - Adequate and appropriate storage for personal information collected by Adventure Patch.
 - Protection of personal information from unauthorised access.
- Ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedure and are provided with a copy if required.
- Require new employees to sign a *Code of Conduct*.
- Advise students, volunteers and visitors of their role to maintain confidentiality during induction.
- Ensure families are aware of the *Privacy and Confidentiality Policy*
- Provide staff and educators with relevant information regarding changes to Australian privacy law and Adventure Patch policy.
- Ensure all relevant 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*, and only authorised personnel have access to private and sensitive information.
- Ensure all records and documents are maintained and stored in accordance with Education and Care Service National Regulations (See *Record Keeping and Retention Policy*).
- Regularly back up personal and sensitive data from computers to protect personal information collected.
- Ensure all computers are password-protected and have security software and antivirus protection installed.
- Ensure families are notified of the time particular records are required to be retained as per Education and Care Services National Regulations [Reg. 183 (2)]
- Adopt the [National Model Code and Guidelines](#) for taking images or videos of children.
- Ensure the appropriate and permitted use of images and videos of children, including obtaining written authorisation from parents and/or guardians of children who will be photographed or videoed by Adventure Patch (see: *Enrolment Form*). The authorisation is to state the purpose for which the images and videos are to be used for and details regarding their publication or sharing.
- Ensure families are aware that the use of images or videos obtained by Adventure Patch, for example, Facebook or other formats, are not to be shared by families on any device or social media platform. Families are not to share photographs or videos taken during special events for publishing on social media platforms or sharing in any other format.
- Ensure personal electronic devices, including phones, smartwatches or other devices that are able to take images or videos, are not in the possession of any person while providing education and care and working directly with children [National Model Code and Guidelines]
- Ensure only devices that are issued by Adventure Patch are used to record and store images and videos of children.
- Develop procedures to ensure controls are in place over the storage, access and retention of children's images and videos, including hardcopy and digital files.
- Deal with privacy complaints promptly and in a consistent manner, following Adventure Patch *Complaints and Grievances Policy (Families)* and procedures.
- Ensure families only have access to the files and records of their own children.
- Refer to individual family court orders for guidance regarding access, sharing and release of information where required.
- Upon request from a parent, provide documents or information relating to their child.
- Ensure information given to educators will be treated with respect and in a professional and confidential manner.
- Ensure only necessary information regarding the children's day-to-day health and well-being is given to non-primary contact educators. For example, food allergy information.
- Ensure individual child and staff files are stored only in software as a service platforms that have been vetted and meet appropriate Australian Cyber Security Standards,
- 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 Adventure Patch services by the family will be treated as confidential unless told otherwise.

- Ensure personal and sensitive information regarding the health and well-being of a child, family member or staff member is not shared with others unless consent has been provided, in writing, or the disclosure is required or authorised by law under relevant state/territory legislation (Reg. 177(4A)).
- Complete a *Privacy Audit* every 12 months or following a breach of data to ensure the Adventure Patch meets lawful obligations, identifies areas for improvement and detects potential areas of breach in privacy law.
- Establish policies and procedures regarding the use of CCTV within Adventure Patch services, including the obligation to inform families, staff and visitors about the purpose and storage of CCTV images and videos, ensuring data is kept secure and accessed by authorised persons.

Educators and Staff will:

- Read and adhere to the *Privacy and Confidentiality Policy* at all times.
- Comply with Adventure Patch's adoption of the *National Model Code* regarding taking images or recording videos of children whilst at the education and care service.
- Ensure documented information and photographs of children are kept secure but may be accessed at any time by the child's parents or guardian.
- Ensure service documentation and records remain at the service.
- Inform management if they learn of images of enrolled children being shared on social media or by any other format by families or staff that have been obtained via the Adventure Patch app, Facebook page or other format; or photos taken during special events by the service or families.
- Ensure parents or guardians only have access to the files and records of their own children (unless a court order prohibits access).
- Treat private and confidential information with respect in a professional manner.
- Not discuss individual children with people other than the family of that child, except for the purposes of curriculum planning or group management. Communication in other settings must be approved by the family beforehand.
- Ensure that information shared with the service by the family will be treated as confidential unless told otherwise.
- Maintain individual and Adventure Patch information and store documentation according to this policy at all times.
- Ensure personnel and sensitive information is not accessed by unauthorised persons.
- Not disclose or share information about an individual or service, management, or other staff (unless authorised to do so by legislation)
- Ensure passwords used to gain access to private and sensitive information are not shared with others.
- Ensure any media enquiries are directed to the approved provider or nominated supervisor.

Families will:

- Be aware of the *Privacy and Confidentiality Policy* upon enrolment.
- Be aware of the *Family Handbook* upon enrolment.
- Ensure all information provided to Adventure Patch is accurate and kept up to date

- Be informed that access to documentation and personal information is limited to their own child/ren.
- Follow the *Complaints and Grievances Policy (Families)* regarding any complaints or concerns regarding privacy and confidentiality of private and sensitive information.
- Share information relating to individual family court orders or parenting plans with Adventure Patch and update these as required.
- Ensure they do not share data or personal information of other family members, children or staff members from Adventure Patch with anyone, including other families of the same service.
- Not use or share images obtained from Adventure Patch, via the services app, Facebook pages or other formats.
- Not share photographs taken during special events for publishing on any social media or for sharing in any format.
- Respect that staff are prohibited from sharing information about other children, families or staff members without expressed written consent to whom the information relates.

Australian Privacy Principles- Personal Information

Adventure Patch 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 will be collected upon enrolment and held securely and confidentially about you and your child to assist Adventure Patch provide quality education and care to your child whilst promoting and maintaining a child safe environment for all stakeholders.

Method of collection

Information is generally collected using standard forms at the time of enrolment or employment. Additional information may be provided to Adventure Patch through email, surveys, telephone calls or other written communication.

Information may be collected online through the use of software such as CCS software or program software.

How we protect your personal information

To protect your personal and sensitive information, we maintain physical, technical and administrative safeguards as follows:

- All copies of information are stored in children's individual files or staff's individual electronic files.
- 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 will be advised not to share usernames and passwords.

- Wherever possible devices require multi factor authentication
- 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 an external drive and/or through a cloud storage solution.
- Any notifiable breach of data is reported.
- All staff 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, for example, invoices and payment enquiries.

Access to Personal and Sensitive Information

Adventure Patch will ensure that information kept in a child's record is not divulged or communicated through direct or indirect means to any person other than:

- The extent necessary for the education and care or medical treatment of the child to whom the information relates
- A parent of the child to whom the information relates, except in the case of information kept in a staff record
- 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 (written consent may be withdrawn at any time).

Education and Care National Regulations (Reg. 177) specifically state that personal information relating to the individuals listed below must not be disclosed or shared with a parent of a child enrolled at Adventure Patch without prior written consent of the person to whom the personal or sensitive information relates to:

- A parent of a child
- A person who is an emergency contact
- A person who is an authorised nominee
- A person who is authorised to consent to medical treatment
- A person who is authorised to authorise an educator to take a child outside the service
- A person who is authorised to authorise transport

Individuals may withdraw their consent in writing prior to personal information being disclosed.

Disclosing Personal and Sensitive Information

Adventure Patch will only disclose personal or sensitive information to:

- A third-party provider with parent permission (for example, CCS software provider).
- Child Protection Agency- Office of the Children's Guardian and Regulatory Authority as per our *Child Protection and Child Safe Environment Policies*.

- 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 (written consent may be withdrawn at any time).

If Adventure Patch is transferred to a new approved provider, any records and documents will be transferred to the new approved provider following written consent from parents/guardians regarding the transfer and sharing of records and documents.

Complaints and Grievances

If a parent, family member, child, employee or volunteer has a complaint or concern about Adventure Patch services, or they believe there has been a data breach of the Australian Privacy Principles, they are requested to contact Adventure Patch so that reasonable steps to investigate the complaint can be made and a response provided. [See: *Complaints and Grievances Policy*]

If there are further concerns about how the matter has been handled, please contact the Office of Australian Information Commissioner (OAIC) to lodge a complaint in writing. [Lodge a privacy complaint.](#)

For any other general concerns, please contact the Adventure Patch directly on:
03 62294914

Related Policies

CCTV Policy Code of Conduct CCS Account Policy CCS Governance Policy Complaints & Grievances Policy (Families) Education & Care Services Record Keeping and Retention Policy Enrolment Policy	Governance Policy Interaction with Children Policy Orientation Policy Payment of Fees Policy Policy and Procedure Policy Education and Care Record Keeping and Retention Policy Safe Use of Technologies & Online Environment Policy
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Sources

Australian Children's Education & Care Quality Authority. (2025).

<https://www.acecqa.gov.au/sites/default/files/2023-03/Guide-to-the-NQF-March-2023.pdf>*Guide to the National Quality Framework*

Australian Children's Education & Care Quality Authority. (2024). [National Model Code for Early Childhood Education and Care.](#)

Australian Government Department of Education. *Child Care Provider Handbook* (2024)
<https://www.education.gov.au/early-childhood/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 2023).

[Education and Care Services National Regulations](#). (Amended 2023).

Privacy Act 1988.



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

Victorian Government. [Child Information Sharing Scheme](#)

Review History

Policy Reviewed By:	Tim Short	CEO	September 2025
POLICY REVIEWED	September 2025	NEXT REVIEW DATE	March 2027
Modifications	<ul style="list-style-type: none"> New Policy adopted 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
	<ul style="list-style-type: none"> 		

Signed

CEO:	
Manager:	

Appendix 1

The Australian Privacy Principals (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.
- Biometric templates.

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

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/>