

SERVICE DELIVERY	Privacy and Confidentiality	SD-OP-2.02
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PRIVACY AND CONFIDENTIALITY

rationale

In order to deliver services to children and families, SDN Children's Services needs to collect and hold personal information relating to individuals.

We are committed to protecting the privacy of those individuals, and recognise that doing so is a legal requirement arising from privacy legislation.

We believe that protecting the privacy of individuals we work with also acts as a powerful tool in the creation of healthy relationships.

This policy statement confirms that commitment, outlining the approach of SDN Children's Services to the privacy of personal information.

SDN complies with the National Privacy Principles (National Privacy Act 1988), and the Health Privacy Principles (Health Records Information Privacy Act 2002).

The National privacy principles can be accessed at www.privacy.gov.au, and the Health Privacy Principles at www.lawlink.nsw.gov.au.

As licensee for long day care and pre school centres, SDN also complies with privacy and confidentiality of records clause in the Children's Services Regulation 2004 (Clause 98).

defining terms

For the purposes of this policy, 'personal information', or 'information' refers to the information SDN staff collect and keep about individuals to provide an effective service to a child or family. Some information is regarded as sensitive, such as medical information. The following are examples of the types of information SDN centres and programs might keep about individuals:

- name and address
- medical history
- photograph or image
- written developmental records
- case plan

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policy

Responsibilities

The Board's policy is that all information that is confidential or privileged is managed in an appropriate way and according to the relevant laws and regulations.

With respect to interactions with clients or potential clients, the CEO shall not allow conditions, procedures or decisions that are unsafe, undignified, and unnecessarily intrusive or that fail to provide respect or appropriate confidentiality or privacy.

Managers must be familiar with the Privacy Principles and Health Privacy Principles, and ensure that the service(s) they are responsible for is/are fully compliant.

It is the responsibility of all SDN staff to familiarise themselves with, accept and adopt this policy, and comply with all privacy related procedures established in the service in which they work.

Complying with service agreements

Managers of government funded consultancy and resourcing services, or early intervention and family services must be responsible for adhering to all privacy requirements contained within the relevant service agreement for the program.

Consequences of non-compliance

SDN will respond seriously to non-compliance with this policy. Violation of this policy may lead to disciplinary procedures being imposed, including the possibility of dismissal.

Privacy Principles

Collecting information

- SDN will only collect and use personal information that is relevant and necessary. Information will be collected lawfully.

(Health Privacy Principle 1, National Privacy Principle 1)

- The information we collect must be accurate, complete and up to date. Staff will not unreasonably intrude into a client's personal affairs.

(Health Privacy Principles 2 and 9, National Privacy Principle 3)

- SDN staff must collect information directly from the individual receiving the service (or where children are concerned, from the child's parent or guardian).

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(Health Privacy Principle 3, National Privacy Principle 1)

Informed consent and transparency

- Staff must ensure that individuals from whom they collect personal information know why the information is required, what it will be used for, and who will have access to it. This is particularly important in relation to sensitive information.

(Health Privacy Principle 4, National Privacy Principles 1 and 10)

- SDN will adopt an open approach to the management of personal information. If anyone requests information regarding the personal information collected and kept by the organisation, staff must take reasonable steps to inform that person what sort of information is kept and its use.

A copy of this Privacy and Confidentiality policy must be provided to families on enrolment at a centre, and on intake into a program. The policy will also be made available to any individual who would like to view it.

(National Privacy Principle 5)

Access

- If an individual makes a request to access their personal information, staff must facilitate this. There will be no charge to access information, and the access must be facilitated within 14 days from the date of request.

An exception to this will be if it would not be lawful to grant access to the information.

Where inaccuracies are discovered in the information, amendments must be made as soon as possible.

(Health Privacy Principles 6, 7, and 8, National Privacy Principle 6)

Secure storage

- SDN staff are responsible for ensuring that personal information is stored securely, protected from misuse, not kept longer than necessary, disposed of appropriately, and protected from unauthorised access.

(Health Privacy Principle 5, National Privacy Principle 4)

Sharing information between agencies

- Information must only be used or disclosed for the primary purpose for which it was collected, unless permission is granted. SDN will not share an individual's personal

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information with another agency unless permission is granted to do so (except in the context of mandatory reporting, where the Children and Young Persons (Care and Protection) Act 1998 requires childcare workers to make a report to DoCs if they have current concerns about the safety of a child).

(Health Privacy Principle 10, National Privacy Principles 2)

Anonymity

- Where possible, individuals must be allowed to remain anonymous. An example might be providing feedback on a service, or accessing the SDN website for information.

(Health Privacy Principle 13, National Privacy Principle 8)

Transferring information abroad

- SDN will not transfer personal information about an individual to someone in a foreign country unless legally required to do so.

(Health Privacy Principle 14, National Privacy Principle 9)

Using identifiers

- SDN staff may only assign an identifier (a code or number) to an individual's records if it is reasonably necessary to do so, and must not use an identifier that has been assigned by another agency. In other words, staff must not use Medicare numbers (for example) to create a filing system for client information.

(Health Privacy Principle 15, National Privacy Principle 7)

relevant legislation

Health Records Information Privacy Act 2002
 Privacy Act 1988
 Privacy Amendment (Private Sector) Act 2000

relevant regulations

DoCS Children's Services Regulation 2004, Clause 98