

Privacy Policy

Purpose

This policy is issued by Early Childhood Management Services Inc, ABN 13 012 989 761 (ECMS) and applies to ECMS and each individual early learning centre and kindergarten managed by ECMS. Any references to ECMS in this policy include references to such services.

This policy sets out how ECMS will manage personal and other confidential information, as required by the applicable legislation.

Scope

This policy applies to all ECMS staff including the Board, Executive, support services, students on placement, volunteers, parents/guardians, contractors, and others attending ECMS services, including during off-site excursions and activities.

Applicable Legislation

ECMS is bound by:

- The *Privacy Act 1988* (Cth) in respect of personal information generally;
- The *Health Records Act 2001* (Vic) whenever we deal with the health information of children and staff; and
- The *Privacy and Data Protection Act 2014* (Vic) to the extent that we provide services on behalf of the Victorian Government, such as early years management services and/or funded preschool services. We are however only bound to follow the Act in relation to the relevant services and not our operations as a whole.

There are also additional laws and regulations that ECMS is subject to which may require it to disclose personal information. These are described in more detail below.

Definitions

- **Personal information** may be defined as information recorded in any form which identifies an individual, or from which the identity of an individual is reasonably ascertainable. This includes paper and electronic records, photographs, video recordings, and similar encompassing both facts and opinion.
- **Health information** The *Health Records Act 2001* (Vic) defines health information as including any information or opinions about a person's physical, mental or

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psychological health or disability. This encompasses almost anything in relation to information or opinions about a person’s health status, medical history, fitness, and vital statistics such as weight and height.

- **Sensitive information** includes health information and any other information relating to a person’s racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences, or criminal record. Such details are also classified as personal information about an individual.

In this policy, we refer to personal information as including health information and other sensitive information, unless we specify otherwise.

Types of personal and health information we collect

ECMS will only collect essential information for which we have a purpose or that will assist us in one of our functions and/or obligations.

ECMS collects personal information in relation to:

- Children who attend (or apply to attend) one of our centres and their parents/guardians and their emergency contacts;
- Committee members;
- Job applicants, employees (permanent and casual), contractors, volunteers, and students; and
- Individuals who visit our website, social media sites, or contact us.

The types of personal information we collect and hold include:

- Information from children/parents/guardians that will assist in the administration of our business and ensures compliance with legislative requirements, including:
 - name, address, date of birth and contact details of children and their parents/guardians, and other information provided as part of the enrolment process;
 - name, address, and contact details of emergency contacts;
 - any health information that is provided in respect of a child, which includes immunisation records, details of any relevant medical or health issues and copies of any medical, specialist, allied health reports and assessments that may be provided, as well as records which we may create relating to injuries and illnesses occurring at our services;
 - financial information, including payment details and details of the occupations of parents/guardians;
 - government issued identifiers, including Health Care Card (HCC) numbers and Customer Reference Numbers (CRN) and related information;
 - information regarding court orders or other legal processes in place, such as Parenting/Court orders and Apprehended Violence Orders;
 - details of the visa, refugee, and asylum status of children and their parents/guardians;
 - details of ethnic and/or racial origins;
 - photographs and videos of children that are taken by staff at our services; and
 - details of serious incidents, complaints, and alleged abuse notifications (including reportable conduct);
- Information relating to our committee members, including name, address, date of birth, employment, and contact details;
- Information in relation to job applicants, employees, members, volunteers, and contractors, including:

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- job applicant data including resume and personal details
- banking details and tax file numbers;
- results of required police and working with children checks;
- The contact details of other parties with which ECMS deals, including suppliers and service providers; and
- Information which is collected via our websites. This may include information about how you access, use and interact with the websites, such as the location from which you have come to the site and the pages you visited and technical data, which may include your IP address, the types of devices you are using to access the website, device attributes, browser type, language, and operating system.

We also use cookies on our websites. A cookie is a small text file that the website may place on your device to store information. We may use persistent cookies (which remain on your computer even after you close your browser) to store information that may speed up your use of our websites for any of your future visits to the website. We may also use session cookies (which no longer remain after you end your browsing session) to help manage the display and presentation of information on the website. You may refuse to use cookies by selecting the appropriate settings on your browser. However, please note that if you do this, you may not be able to use the full functionality of the website.

If you do not provide us with the necessary personal information we may not be able to enrol your child at our services or provide you with the required information or assistance.

How we collect personal information

We will collect most personal information directly from you when you interact with us.

For information relating to children and their parents/guardians, this primarily comes from the completion of forms by parents/guardians and other information which is provided directly to staff at our services.

Collection of personal information from third parties

Personal information relating to children enrolled at our services is collected on their behalf from parents/guardians and other relevant third parties.

Occasionally, we may receive personal information about an individual from a third party, such as when someone is named as the emergency contact of a child.

Purposes for which we collect and use personal information (illustrative list)

Personal information collected in relation to:	Primary purpose of collection	Examples of how the service will use personal information, including sensitive and health information, include:
Children and parents/guardians	To enable us to provide for the education and care of the child attending the service.	<ul style="list-style-type: none"> ● Day to day administration; ● Provision of a place for their child in the service; ● Duty rosters;

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		<ul style="list-style-type: none"> Looking after children's educational, care and safety needs; Fee collection; For correspondence with parents/guardians relating to their child's attendance; To satisfy the service's legal obligations and to allow it to discharge its duty of care.
Committee members	To enable ECMS to work with Committees in managing their services.	<ul style="list-style-type: none"> To enable communication with Committee members.
Job applicants, employees, contractors, volunteers, and students	<p>To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, etc.</p> <p>To complete the employment contract or placement.</p>	<ul style="list-style-type: none"> Administering the individual's employment, contract, or placement; Health and safety; Insurance purposes; To satisfy ECMS' legal obligations, including in relation to the <i>Children's Services Act 1996</i> and the <i>Children's Services Regulations 1998</i>; Listing the names and qualifications of staff on material provided to prospective users such as other parents and other teachers and staff.

Disclosure of personal information

We may on occasion be required to disclose some personal information held about an individual to:

- Government departments or agencies as part of our legal and/or funding obligations;
- Local Government in relation to enrolment details for planning purposes;
- Preschools within the central enrolment scheme managed by ECMS for the allocation of places;
- External service providers so that they may perform services to us, including IT service providers and the operators of platforms (such as StoryPark) that enable us to communicate with parents/guardians;
- Organisations providing services related to staff entitlements and employment;
- Parent Committees to enable them to contact users of their service;
- Insurance providers in relation to specific claims;
- Law enforcement agencies;
- Health organisations and/or family in circumstances where the person requires urgent medical assistance and is incapable of giving permission;

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- Any other party to which we are required to disclose information pursuant to law, including pursuant to ECMS' obligations under the Child Information Sharing Scheme established under the *Child Wellbeing and Safety Act 2005* (Vic) and the Family Violence Information Sharing Scheme established under the *Family Violence Protection Act 2008* (Vic); and
- Anyone to whom an individual authorises us to disclose information.

Please note that, pursuant to our legal obligations, we may display some personal information (including health information) in readily accessible locations at our services, including details of certain medical conditions affecting children enrolled at the service (such as anaphylaxis or asthma), so that all staff working at that service are aware of these conditions.

We may disclose your personal information to recipients which are located outside Australia, including to organisations that provide services to us which are based outside of, or otherwise store personal information outside of, Australia. Those recipients may be located in various countries, including New Zealand and the USA.

Treatment of sensitive information

Some of the information we collect (including all health information) is sensitive information. We will only collect this information with your consent (which may be express or implied) or where we are otherwise permitted to do so by law.

Sensitive information will only be used and/or disclosed for the purposes for which it was collected, or a directly related secondary purpose unless the individual says otherwise.

Management and security of information

In order to protect personal information from misuse, loss, unauthorised access, modification, or disclosure, ECMS staff will take all reasonable steps to ensure that, in relation to personal information:

- Access will be limited only to ECMS staff who require this information in order to do their jobs
- Documentation or similar will not be left in areas that allow for unauthorised access
- The physical storage of all private or sensitive materials will be in a secure cabinet or area where access is limited
- Any computerised records containing personal information must have password access or information will be stored on USBs in a secure area.
- There is always security in transmission, for example:
 - Emails will only be sent to a person authorised to receive the material;
 - Faxes will only be sent to a secure fax line; and
 - Any personal information transmitted by telephone will be limited to persons authorised to receive that information.

Quality of our Information

ECMS will always endeavour to ensure that the personal information we hold is accurate, complete, up to date, and relevant to our functions or activities.

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Access to information and updating personal information

Individuals have the right to ask for access to, or correction of, personal information we hold about them without providing a reason for doing so. We may not provide access in response to certain requests where we are not permitted or not required to provide that access.

If you wish to make a request to access and/or correct personal information, please contact us as follows:

- If the request relates to information relating to a child or a parent/guardian, parents/guardians should firstly contact the Educator/Nominated Supervisor at the relevant service; and
- For all other requests, please email privacy@ecms.org.au or contact ECMS head office on 8481 1100.

Any requests for access or to update personal information should nominate the type of access required and specify, where possible, what information is sought. We may ask you to provide a visible form of identification as part of a request.

Requests will be acknowledged and responded to within a reasonable period. However please note that there could be a delay in responding if the information is stored in hard copy at an ECMS centre and the service is closed for any period.

ECMS reserve the right to charge for information provided, in order to cover the costs involved in providing the information.

Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when engaging with our services.

Disposal of information

ECMS will not store personal information longer than is required.

We will take reasonable steps to destroy or de-identify personal information once we no longer require it for the purposes for which it was collected or for any secondary purpose permitted by law. Please note that we may be required to retain certain types of personal information for longer periods to enable us to comply with our legal obligations.

Complaints

If you have a complaint about the way in which we have handled any privacy issue, including your request for access or correction of your personal information, you should contact us. Our contact details are set out below.

We will consider your complaint and determine whether it requires further investigation. We will notify you of the outcome of any internal investigations.

If you remain unsatisfied with the way in which we have handled a privacy issue, you may approach an independent advisor or contact any of the external resources identified below for guidance on alternative courses of action which may be available.

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Contact details

For information on the Privacy Policy or to make a privacy related complaint, please contact the Director of People and Strategy at ECMS head office on 8481 1100.

Roles & Responsibilities

Director People and Capability	<p>Is accountable for:</p> <ul style="list-style-type: none"> Ensuring implementation and compliance with this policy across the organisation Act as a point of contact for privacy related complaints
People and Capability	<p>Responsible for:</p> <ul style="list-style-type: none"> To actively implement this policy together with the ECMS Confidential Information Policy and ensure that this is followed at all times
Area Managers	<p>Responsible for:</p> <ul style="list-style-type: none"> Ensuring implementation and compliance with this policy Supporting educational teams to comply with the policy
Employees, Volunteers, Contractors, and Student Placement Workers	<p>Responsible for:</p> <ul style="list-style-type: none"> Adherence to this policy together with the ECMS Confidential Information Policy Understanding that they are required to adhere to the confidentiality clause stipulated within their employment contract or other related documentation

Sources

Related Policy and Procedure	<p>Child Safe Culture Policy Child Safety Policy and Procedure Code of Conduct Complaints and Feedback Policy and Procedure Confidential Information Policy Medical Conditions Policy and all associated Medical Procedures Incident Reporting Policy and Procedure Immunisation Policy and Procedure Infectious Diseases Policy and Procedure Information Sharing Scheme Policy and Procedure Medication Policy and Procedure Media Policy Social Media Policy</p>
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	Reportable Conduct Policy and Procedure Use of Images of Children Participation of Volunteers and Students Policy and Procedure
Relevant Legislation	Child Wellbeing and Safety Act 2005 (Vic) Education and Care Services National Law Act 2010 (Vic) Education and Care Services National Regulations 2011 (Vic) Family Violence Protection Act 2008 (Vic) Health Records Act 2001 (Vic) Privacy Act 1988 (Cth) Privacy and Data Protection Act 2014 (Vic)
Sources and Further Reading	Health Services Commissioner (03) 8601 5200 or 1800 136 066 or www.health.vic.gov.au/hsc/ Victorian Privacy Commissioner (03) 8616 8719 or 1300 666 444 or www.privacy.vic.gov.au Federal Privacy Commissioner 1300 363 992 or www.privacy.gov.au

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