Procedure 1.05.10 Confidentiality and access to child records

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<th>Department</th>
<th>Community Relations and Leisure</th>
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<td>Responsible Officer</td>
<td>Group manager</td>
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Quality area 7: Leadership and Management

Introduction

Bega Valley Shire Council education and care services recognise and respect the importance of privacy and confidentiality as an individual right and as the basis for building strong partnerships with children, families and others. These guidelines and procedures have been developed to comply with the Information Protection Principles (2003) and outline the measures that are in place to protect confidentiality and to ensure appropriate access to child records.

Bega Valley Shire Council children’s services will maintain private and confidential records and files for educators, staff, children and their families. These records and files will be collected, used, disclosed and stored in an ethical, professional and lawful manner. Information will only be shared with authorised people as defined within authorisations of the Education and Care Services National Regulations, 2011.

Bega Valley Shire Council’s Code of Conduct prevents any early childhood educator or staff member from directly or indirectly disclosing information about a child or family to anyone other than an authorised person.

Strategies

Authorised person

An authorised person is:

- the parent or guardian of the child with legal right to information. Access does not automatically extend to information that relates to Child Protection issues.
- an authorised officer of a government department, or an employee of the education and care service with legal right to information
- a person permitted or required by any Act or Law to access information

The Approved Provider and Nominated Supervisor will:

- ensure that information kept is not divulged or communicated directly or indirectly to anyone who is not an Authorised person.

Families will:

- advise the service immediately if there are any court orders pertaining to the custody of the child or to the release of information about a child. A copy of all documentation relating to custody and release of information must be provided to the children’s service.
Collection of information

Child records are documents and conversations about a child and family that are relevant to the growth, learning and well-being of a child. These records contain information that is sensitive, confidential and necessary for the provision of a quality education and care service.

Educators, Staff and others will:

- Maintain the confidentiality of all child records. Examples of records that are kept include:
  - individual child observation records and assessments
  - program plans and evaluations
  - personal enrolment records
  - medical and emergency action plans
  - accident, incident or illness reports
  - minutes and reports from child case meetings or transition to school meetings
  - attendance records
  - permission and authorisation forms
  - fee records
  - court orders and other legal documents

Use of information

Educators, Staff and others will:

- Ensure information that constitutes a record about a child or family, including photographs, is only used in three key ways:
  - to provide a quality education and care service
  - to meet our reporting and governance obligations
  - to fulfil our child protection obligations.

Access to information

Educators and staff will ensure:

- that wherever possible and practicable they have checked that families have given informed consent for people in the service to share information with their caseworker. Make a note of the time and date that the family gives consent to share information with their caseworker.

Access to information is provided in the following ways:

General access

Programs, newsletters, noticeboards and photo-journals are displayed in each room or venue and contain general information about children's education and care experiences for a period of time.

Families, early childhood educators and ancillary staff will have access to these records on the premises as part of designing, discussing and assessing programs for children.
Student and volunteer/ visitor access

Students engaged in early childhood training or volunteers/ visitors will only be granted access to child records with the written permission of an authorised person. No student or other visitor to the centre may collect a photograph, visual image or other information about a child without the express permission of an authorised person. This permission will only be given if there is full disclosure about how the image or information will be used, stored and who will have access to the image or information.

Restricted access

Educator journals contain information about child or family conversations and observations, evaluations and assessments of children’s growth, learning, relationships and well-being. These can only be accessed by an authorised person.

All other child records including fee information, child attendance, meeting reports, forms, and authorisations contain confidential information and may only be accessed or amended by an authorised person.

No confidential information, photographs, or other visual images will be provided to any person other than an authorised person.

Requesting access to information

The Nominated Supervisor, Educators and Staff will provide access to information:

• On request by an authorised person, information and records will be provided about their child’s:
  i. individual growth, well-being, relationships and learning outcome
  ii. participation in the program
  iii. attendance, enrolment records, fees and/ or other child records

A family or an authorised person will request information in the any of following ways:

• at an individual meeting with a child’s Educational Leader or Nominated Supervisor
• in a team meeting with Educators and Early Intervention staff involved in the care and education of a child
• by telephone to the Nominated Supervisor or the Responsible Person requesting a specific aspect of a child’s records eg attendance, medication record, accident reports. Where a request for personal or confidential information is made by telephone the Administrative Officer will request the caller to provide evidence of identity.
• in writing. All officers of a government department will be required to outline the scope of information requested in writing and identify their legal right to the requested information.

Right of refusal

Bega Valley Shire Council education and care services reserve the right to refuse to release information if:

• access to that information could compromise the privacy or safety of another person
• the request is frivolous or vexatious
• there are legal reasons including court orders, custody or legal guardianship orders that prevent the release of information
• the information relates to a mandated report of a child at risk of significant harm.
Storage of information

The Nominated Supervisor and Administrative Officer will ensure that

- Confidential information will be stored in hard copy in the secure Administrative Office at each site.
- After 12 months all information will be stored using the electronic data storage system operated by Bega Valley Shire Council, and archived following the requirements for retention of records defined within the Government Information (Public Access) Act 2009.

Evaluation

- All information related to services, families and children will be maintained in a private, confidential and ethical manner.
- Statutory and legislative considerations
- Children (Education and Care Services National Law Application) Act 2010, Online:
- Education and Care Services National Regulations, 2011.

References

- Bega Valley Shire Council, Access to Information Policy (5.12), Online: www.begavalley.nsw.gov.au
- Bega Valley Shire Council, Behaviour of Councillors and Staff (5.02) Code of Conduct Online: www.begavalley.nsw.gov.au
- Community Child Care Co-operative, Sample Policy, Confidentiality