

(Reviewed October 2023)

**Policy Statement:**

Redcliffe Assembly (Mueller Community Church) (trading as Mueller College Outside School Hours Care) collects information relating to children to enable them to provide appropriate care and education for the children in their care and to discharge their duty of care. For further information about privacy issues please refer to our Policy documents. A copy of the Mueller Community Church Privacy Policy is available from the Mueller College Outside School Hours Care website, the Mueller College Early Learning Centre website, or the Church office. A copy of the Mueller College Privacy Policy is available from the College Office or on the website.

Mueller College Outside School Hours Care is an activity of Redcliffe Assembly (Mueller Community Church) ('the Service').

This Service will collect and share with Mueller College Personal Information (including Sensitive Information) collected by OSHC about families and students for the purposes of providing education to the student, providing holistic and pastoral care and support to the student and their family, complying with regulatory and legislative obligations upon the College and Mueller Community Church and ensuring that College and Mueller Community Church have sufficient information available to fulfil their respective duties of care to the student.

**National Quality Standard (NQS):**

- Quality Area 2: Children's Health & Safety**  
**4: Staffing Arrangements**  
**5: Relationships with Children**  
**6: Collaborative partnerships with families & communities**  
**7: Governance & Leadership**

<b>2.2</b>	Safety	Each child is protected.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
<b>4.2</b>	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
	Professional standards	Professional standards guide practice, interactions and relationships.
<b>5.1</b>	Relationships between educators and children	Respectful and equitable relationships are maintained with each child.
5.1.2	Dignity and Rights of the Child	The dignity and rights of every child are maintained.
<b>6.1</b>	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.3	Families are supported	Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.
<b>6.2</b>	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
6.2.2	Access and participation	Effective partnerships support children's access, inclusion and participation in the program.
6.2.3	Community engagement	The service builds relationships and engages with its community.
<b>7.1</b>	Governance	Governance supports the operation of a quality service.
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.

**Education and Care Services National Regulations**

84	Requires the approved provider of an education and care service must ensure that nominated supervisors and staff members at the service who work with children are advised of: the existence and application of the current child protection law; and any obligations that they may have under that law.
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195	<p>Application of Commonwealth Privacy Act 1988</p> <p>For the purposes of section 263 of the Law, this Division sets out the modifications of the Privacy Act as it applies as a law of a participating jurisdiction for the purposes of the National Quality Framework.</p>
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### Education and Care Services National Law

263	<p>Application of Commonwealth Privacy Act</p> <p>(1) The Privacy Act applies as a law of a participating jurisdiction for the purposes of the National Quality Framework.</p> <p>(2) For the purposes of subsection (1), the Privacy Act applies—</p> <p style="margin-left: 20px;">(a) as if a reference to the Office of the Privacy Commissioner were a reference to the Office of the National Education and Care Services Privacy Commissioner; and</p> <p style="margin-left: 20px;">(b) as if a reference to the Privacy Commissioner were a reference to the National Education and Care Services Privacy Commissioner; and</p> <p style="margin-left: 20px;">(c) with any other modifications made by the national regulations.</p> <p>(3) Without limiting subsection (2)(c), the national regulations may—</p> <p style="margin-left: 20px;">(a) provide that the Privacy Act applies under subsection (1) as if a provision of the Privacy Act specified in the national regulations were omitted; or</p> <p style="margin-left: 20px;">(b) provide that the Privacy Act applies under subsection (1) as if an amendment to the Privacy Act made by a law of the Commonwealth, and specified in the national regulations, had not taken effect; or</p> <p style="margin-left: 20px;">(c) confer jurisdiction on a tribunal or court of a participating jurisdiction.</p> <p>(4) In this section—</p> <p>Privacy Act means the Privacy Act 1988 of the Commonwealth, as in force from time to time.</p>
271	<p>Disclosure of information to other authorities</p> <p>(1) The National Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—</p> <p style="margin-left: 20px;">(a) a relevant Commonwealth Government Department; or</p> <p style="margin-left: 20px;">(b) any State or Territory Government Department; or</p> <p style="margin-left: 20px;">(c) any Commonwealth, State or Territory public authority; or</p> <p style="margin-left: 20px;">(d) any State or Territory local authority; or</p> <p style="margin-left: 20px;">(e) a Regulatory Authority of a participating jurisdiction.</p> <p>(2) The Regulatory Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—</p> <p style="margin-left: 20px;">(a) a relevant Commonwealth Government Department; or</p> <p style="margin-left: 20px;">(b) any State or Territory Government Department; or</p> <p style="margin-left: 20px;">(c) any Commonwealth, State or Territory public authority; or</p> <p style="margin-left: 20px;">(d) any State or Territory local authority; or</p> <p style="margin-left: 20px;">(e) a Regulatory Authority of another participating jurisdiction.</p> <p>(3) The National Authority, the Regulatory Authority and any Government Department, public authority or local authority may disclose information to each other in respect of an education and care service for a purpose listed in subsection (4).</p> <p>(4) The purposes for disclosure of information under this section are—</p> <p style="margin-left: 20px;">(a) the disclosure is reasonably necessary to promote the objectives of the national education and care services quality framework; or</p> <p style="margin-left: 20px;">(b) the disclosure is for the purposes of enabling or assisting the other entity to perform or exercise any of its functions or powers under this Law; or</p> <p style="margin-left: 20px;">(c) the disclosure is for the purposes of research or the development of National, State or Territory policy with respect to education and care services; or</p> <p style="margin-left: 20px;">(d) the disclosure is for a purpose relating to the funding of education and care services; or</p> <p style="margin-left: 20px;">(e) the disclosure is for a purpose relating to the payment of benefits or allowances to persons using education and care services, provided the disclosure of information is not otherwise prohibited by law.</p> <p>(5) The Regulatory Authority must disclose to the Regulatory Authorities of other participating jurisdictions the suspension or cancellation of a working with children check, working with children card or teacher registration of a nominated supervisor of which it is notified under this Law.</p> <p>(6) The Regulatory Authority may disclose to the head of the government department responsible for the administration of a working with children law, any prohibition notice given under this Law as applying in any participating jurisdiction in respect of the person.</p> <p>(7) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—</p> <p style="margin-left: 20px;">(a) the National Authority, all participating jurisdictions and the Commonwealth; and</p> <p style="margin-left: 20px;">(b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.</p> <p>(8) Information disclosed under this section for the purpose of research or the development of National, State or Territory policy with respect to education and care services must not include information that could identify or lead to the identification of an individual other than—</p> <p style="margin-left: 20px;">(a) an approved provider or a nominated supervisor; or</p> <p style="margin-left: 20px;">(b) a family day care educator who has been suspended from providing education and care to children as part of a family day care service; or</p> <p style="margin-left: 20px;">(c) a person to whom a prohibition notice applies; or</p> <p style="margin-left: 20px;">(d) a person who is being prosecuted for an offence against this Law.</p>
272	<p>Disclosure of information to education and care services</p> <p>(1) At the request of an approved provider, the National Authority or the Regulatory Authority may disclose the following information to the provider, if the National Authority or Regulatory Authority considers on reasonable grounds that the provider requires the information to comply with the provider's obligations under this Law—</p>

	<p>(a) whether a person named in the request is subject to a prohibition notice given under section 182;</p> <p>(b) whether a family day care educator named in the request has been suspended from providing education and care to children as part of a family day care service under section 178.</p> <p>(2) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—</p> <p>(a) the National Authority, all participating jurisdictions and the Commonwealth; and</p> <p>(b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.</p>
273	<p>Duty of confidentiality</p> <p>(1) An individual who is, or who has been, a person exercising functions under this Law must not disclose to another person protected information.</p>

### **Objective:**

To ensure the privacy and confidentiality of students, families and staff is upheld at all times in all settings and across all departments within the College.

### **Procedure:**

- Every employee is provided with clear written guidelines detailing:
  - what information is to be kept confidential
  - what confidential information they may have access to in order to fulfil their responsibilities and how this information may be accessed
  - who has a legal right to know what information
- Confidential conversations that educators have with parents/ guardians, or the Nominated supervisor has with educators will be conducted in a quiet area away from other students, parents/ guardians and educators.
- Personal information which will be kept confidential:
  - Personal Information about Students
  - Personal Information about parents/ guardians. This may include Sensitive Information (Sensitive Information means information such as a person’s racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, criminal record, health information etc). Sensitive information may only be used and disclosed for the purpose for which it was provided or a directly related secondary purpose, unless it is agreed otherwise, or the use or disclosure of the sensitive information is allowed by law.)
  - Job Applicants
  - Personal Information about educators
  - Personal Information about practicum students, volunteers and contractors
- Personal forms and information will be stored securely. Mueller Community Church and College has taken several steps to ensure electronic files are protected from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.
- Information about educators will only be accessed by the Nominated supervisor, Personnel and Accounts Managers, Management personal if required and the individual educator concerned.
- The Mueller College Outside School Hours Care will use personal information it collects from parents/ guardians and educators for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which educators or parents/ guardians have consented.
- The Service’s primary purpose for the collection of information on parents/ guardians and students is to provide optimum care for the student.

- Other purposes for which the OSHC Service uses personal information are:
  1. To comply with the legal obligations of the OSHC Service and allow the Service to discharge its duty of care.
  2. To allow for day-to-day administration of the Service.
  3. To effectively look after student's educational, social and medical well being.
  4. To keep parents informed about matters related to their student through correspondence, newsletters etc.
- Information is kept in locked files or cupboards in the OSHC reception, kitchen, office and storeroom. Personal History Information, parents' names, contact numbers, addresses, special considerations etc. are all considered as confidential and stored accordingly.
- Electronic storage of information may mean that personal information is disclosed to overseas recipients, for instance, when storing personal information, records or Service documentation with 'cloud' service providers that are situated outside Australia. This may include trusted sites such as Edmodo, Google Docs and Drop box. Australian Government approved programs such as Xplor and TASS are also used in assisting in the storage of student information and bookings.
- Educators will not access electronic data outside of the work environment.
- The OSHC Service endeavours to ensure that personal information it holds is accurate, complete and up-to-date. "Change of Detail" and "Authorisation of Collection" forms are available at the OSHC reception. Parents/ Guardians are reminded regularly to update information.
- No staff member or educator may give information or evidence on matters relating to students and/or their families to anyone other than the custodial parent/guardian when that information has been obtained in the course of employment at the Service. Exceptions may apply regarding information about students when subpoenaed to appear before a court of law. Notwithstanding these requirements, confidential information may be exchanged in the normal course of work with other educators at the Service and may be given to the Management Committee, when this is reasonably needed for the proper operation of the Service and the wellbeing of users and educators.
- Under the Commonwealth Privacy Act, an individual has the right to obtain access to personal information which the OSHC Service holds about them and may advise the Service of any perceived inaccuracy.
- To make a request to access any personal information that the OSHC Service holds, parents/ guardians should make a request to the Nominated supervisor. The Service may charge a fee to cover the cost of locating, retrieving, reviewing and copying any material required. If the information sought is extensive, the Service may require payment in advance. If your request for information is denied, the Service will advise you in writing, including the reason for the refusal.
- Educators will protect the privacy and confidentiality of other educators by not relating personal information about another educator to anyone either within or outside the Service.
- Early childhood education and Care practicum students or volunteers will not make educators, students or families at the Service an object for discussion outside of the Service (e.g. college, school, home etc.), nor will they at any time use family names in recorded or tutorial information. Permission will be sought from parents/guardians before students attending the Service can be observed or photographed.
- In accordance with our enrolment documents, Educators will have access to student data provided to the College. The Nominated supervisor may also engage in professional

conversations with College employees and discuss OSHC incidents involving students for the purpose of formulating strategies and working through issues to maintain a consistent approach and optimum care for all Mueller College students.

## **REFERENCES:**

- Education and Care Services National Law Act 2011, Current as at March 2023
- Education and Care Services National Regulations, Current as at October 2023
- Guide to the National Quality Framework, Revised July 2023
- National Quality Standard, Revised 1 February 2018
- Guide to the National Quality Standard, Revised May 2022
- Child Protection Regulation 2011 (Current as at 19 Jan 2015)
- Education and Care Services Act 2013 (Current as at Aug 2020)
- The Commission for Children and Young People Act 2000 (Current as at 1 Jan 2014)
- Child Care Act 2002 (Current as at 1 February 2010)
- Mandatory Reporting – Department of Communities, Child Safety and Disability Services
- Child Protection Act 1999 (Current as at 1 July 2017)
- Child Abuse–What You Need to Know – Department of Communities, Child Safety and Disability Services
- United Nations Convention on the Rights of the Child (Last modified 2 August 2014)
- Reporting Student Abuse – Dept. Of Communities, Student Safety and Disability Services
- Blue cards and exemption cards for carers – Dept. of Communities, Student Safety and Disability Services
- Privacy Policy of Mueller College 2017
- Information Privacy Act 2009
- Australian Privacy Principles, <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>
- Independent Schools Queensland Records Retention Policy 2013
- Privacy and Data Protection Act 2014

## **See also:**

- Mueller OSHC Providing a Safe environment Policy & Procedure.
- Mueller OSHC Notifications Required by the Regulatory Authority Policy & Procedure
- Mueller OSHC Record Keeping Policy & Procedure
- Mueller OSHC Governance and Management Policy & Procedure