



PRIVACY POLICY

Mandatory – Quality Area 7

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PURPOSE

This Privacy Policy explains how Kensington Community Children's Co-operative Ltd (**KCCC**) handles your personal information and data. It is based on the Australian Privacy Principles (**APPs**) in the *Privacy Act 1988* (Cth), which regulate the manner in which personal information is handled throughout its life cycle -- from collection to use and disclosure, storage, accessibility and disposal. For KCCC, compliance with the *Privacy Act* is mandatory.

As KCCC is an early childhood service, it has other legal obligations related to the handling of health information under the *Health Records Act 2001* (Part 1, 7.1) and, in particular, it must comply with the Health Privacy Principles. KCCC must also comply with the relevant requirements in the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

In certain circumstances (for example, where funding agreements with Government Agencies require it), KCCC may also be required to comply with the Information Privacy Principles in the *Privacy and Data Protection Act 2014* (Vic.).

OVERVIEW OF POLICY

1. VALUES

KCCC is committed to:

- responsible and secure collection and handling of personal information
- protecting the privacy of personal information
- ensuring individuals are fully informed regarding the collection, storage, use, disclosure and disposal of their personal information, and their access to that information.

2. SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children, members of the public and others attending the programs and activities of KCCC. The privacy provisions in this policy apply to all service and website users (www.kccc.org.au).

3. CONTEXT

KCCC takes its legal obligations under the *Privacy Act 1988* (Cth) and other legislation seriously.

The personal information that you provide to KCCC is not provided to any other party, unless compelled by law, and we do not use your information for any purpose that is not expressly outlined in this policy.

KCCC appreciates that the success of the service is in no small part, dependent upon the relationship of trust being established and maintained with past, current and future families and the importance to manage collected personal information with a high degree of diligence and care. Therefore, KCCC is committed to ensuring the continued integrity and security of the personal information you have entrusted to us and of complying fully with legislative requirements at all times.

KCCC is committed to best practice data management across the information life cycle. In the event of a data breach, KCCC will take immediate steps to contain the breach, assess the breach, remedy the breach and, if necessary, revise any policies or processes to ensure similar issues do not arise in the future. KCCC will follow the steps set out in the Data Breach Management and Action Plan (refer to Attachment 4 of the *Information Management Policy*).

DEFINITIONS

The terms defined in this section relate specifically to this Policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Person in day-to-day charge, Regulatory Authority etc. refer to section 5 of the *Education and Care Services National Law Act 2010* (Vic).

APPs means the Australian Privacy Principles set out in the Privacy Act

KCCC means 'we', 'us' and 'our' and is the organisation carrying on business under the name Kensington Community Children's Co-operative Ltd.

Health information means any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.

Health Records Act 2001 (Vic.) is Victorian legislation that regulates the management and privacy of health information handled by public and private sector bodies in Victoria.

Personal information means any information or an opinion (whether true or not and whether recorded in a material form or not) about an individual who is identified or reasonably identifiable from the information;

Privacy Act means the *Privacy Act 1988* (Cth), which is federal legislation that puts requirements in place on how personal and/or sensitive information is treated across the information lifecycle – from collection, to use and disclosure, storage, accessibility and disposal. Organisations with a turnover of \$3 million per annum or more must comply with this legislation.

Privacy breach means an act or practice that interferes with the privacy of an individual by being contrary to, or inconsistent with, one or more of the information APPs.

Sensitive information is a subset of personal information and means (without limitation) information about an individual's race, political opinions, religious beliefs, philosophical beliefs, membership of a trade union, sexual preference, criminal record, or health, genetic or biometric information, including "sensitive information" as defined in the Privacy Act 1988 (Cth).

POLICY STATEMENT

1. GENERAL PRINCIPLES

We treat your data as private information. We do not use your data for our own purposes, except in the circumstances described in this Privacy Policy or unless we have your express consent.

We will not share your data with another party, except where

- We are legally compelled to provide it to a third party (e.g. provide information set out in a valid subpoena to authorities during the investigation of a criminal offence), or

- We have engaged a trusted service provider to assist us with a particular transaction (e.g. the provision of a new wait list management software program or a financial institution for payment processing).

2. HOW IS PERSONAL INFORMATION COLLECTED?

Personal information is generally collected from you directly. KCCC collects personal information in a number of ways including:

- when a child is placed on the KCCC wait list
- when a child is enrolled and/or attends the service at KCCC
- through our website
- when individuals correspond with us (including by letter, email or phone)
- in person.

Sometimes it may be necessary for us to collect your personal information from a third party. For example, we may collect your personal information from your use of our website and information you provide to us through contact mailboxes or through our social media accounts.

If you provide us with someone else's personal information, you should only do so if you have their authority or consent to provide us with their personal information. If we receive your personal information from a third party, we will contact you and make you aware of this Privacy Policy and how we obtained your personal information.

3. WHAT PERSONAL INFORMATION DOES KCCC COLLECT?

At the outset, KCCC notes that it only collects information that it needs to exercise its functions and comply with legislation. We do not collect information that has no immediate use, even though it may be useful in the future.

The kind of personal information that KCCC collects about individuals depends on the type of dealings they have with KCCC.

For example, if a person:

- **Puts their child on the KCCC wait list.** KCCC will collect their name, address, contact details, details of their child (name and date of birth or surname and expected date of birth) and payment details for the wait list fee.
- **Sends KCCC an enquiry.** KCCC may collect their name, contact details and nature of the enquiry.
- **Visits the KCCC website.** KCCC will use cookies - see further details below - and may use tools to track visits, including how individuals arrive at the website and which pages they view.
- **Makes a complaint.** KCCC may collect their name, contact details, the details of their complaint, information collected in any investigation of the matter and details of the resolution of the complaint.
- **Applies for a job or student placement/volunteer role at KCCC.** KCCC may collect the information individuals included in their application, including their cover letter, resume/ CV, contact details and referee reports, their tax file number and other identifiers used by government entities or other organisations to identify individuals, information from police checks, working with children checks (or similar), and information about their right to work in Australia.

If a person **enrols their child in long daycare or kindergarten at KCCC**, KCCC will collect both personal information and sensitive information. Regulations 160, 161 and 162 of the *Education and Care Services National Regulations 2011* detail the information that must be kept on a child's enrolment record, including personal details about the child and the child's family, parenting orders and medical conditions.

Once a child is enrolled, personal and/or sensitive information that will be kept about a child includes:

- *Attendance records*: Regulation 158 of the *Education and Care Services National Regulations 2011* requires details of the date, child's full name, times of arrival and departure, and signature (or electronic sign-in details) of the person delivering and collecting the child or the Nominated Supervisor/educator, to be recorded in an attendance record kept at the service. Contact details may be kept in a sealed envelope at the back of the attendance record or separate folder for evacuation/emergency purposes.
- *Medication records and incident, injury, trauma and illness records*: Regulations 87 and 92 of the *Education and Care Services National Regulations 2011* require the Approved Provider of a service to maintain incident, injury, trauma and illness records, and medication records which contain personal and medical information about the child.
- *Photographs/videos*: To document a child's learning under the National Quality Framework, educators will take photographs and videos of a child, on their own or in a group. KCCC has a permission form (see Attachment 2 to *Information Management Policy*) that allows a parent/guardian to consent to how photographs/videos are to be used.

If an individual does not wish to provide their personal information to KCCC, in general, it will not be possible for KCCC to deal with an individual in this way.

4. WHY DOES KCCC COLLECT PERSONAL INFORMATION?

The main purposes for which KCCC collects, holds, uses and discloses personal information include:

- to provide long day care and kindergarten services to children
- to efficiently manage its wait list for long day care and kindergarten services
- for administrative purposes or
- for other organisational purposes

5. HOW DOES KCCC STORE MY PERSONAL INFORMATION AND IS IT SECURE?

KCCC holds personal information in a number of ways, including in hard copy documents, electronic databases, and email contact lists.

We take reasonable steps to:

- ensure the personal information that KCCC collects and uses is accurate, up to date and (in the case of use) relevant;
- protect the personal information that is collected from misuse, interference and loss and from unauthorised access, modification or disclosure; and
- destroy or permanently de-identify personal information that is no longer needed for any purpose that is permitted by the APPs, subject to other legal obligations and applicable retention requirements.

While KCCC will endeavour to always exercise due care in collecting and using personal information, it cannot guarantee that unauthorised access to individuals' personal information will not occur. In the event of a data breach or privacy incident, KCCC will follow best practice processes and ensure that

the breach is contained and remedied and any policies and processes are updated if necessary. Further details on KCCC's approach is set out in the section below.

KCCC takes the following steps to secure the personal information that it collects:

- website protection measures (including encryption, firewalls and anti-virus software);
- security restrictions on computers (including login and password protection);
- operational processes aimed at minimising the risk of a data breach (including a clean desk policy, secure cabinets for hard copy documents, encrypted USBs etc)
- controlled access to the KCCC premises; and
- related policies on confidential information management and processes relating to information security (including restricting the use of personal information to KCCC employees).

6. WHAT STEPS ARE TAKEN WHEN THERE IS A DATA BREACH OR PRIVACY INCIDENT?

A data breach or privacy incident may result from unauthorised people accessing / disclosing, changing, losing or destroying personal information. Examples of situations where a data breach or privacy incident may occur include:

- accidental download of a virus on to a KCCC computer
- discussing or sharing of personal information on Facebook
- non-secure disposal of hard copies of personal information (e.g. not keeping hard copies in secure cabinets or not disposing of them in a secure bin / shredder)
- leaving an unlocked smart phone on public transport.

A data breach or privacy incident can occur due to human error or technical failures, can be accidental or deliberate and can apply to information in a number of forms (e.g. electronic as well as hard copy).

In the event of a data breach or privacy incident, KCCC will respond in the following way which is in line with the Notifiable Data Breaches Scheme in the Privacy Act :

- the breach / incident will be identified and reported to the Privacy Officer(s) at KCCC;
- the breach / incident will be contained so further access/disclosure/loss etc will not arise;
- the seriousness of the breach / incident will be assessed between the relevant personnel together with the Privacy Officer(s) at KCCC;
- regardless of the seriousness of the breach or incident, remedial action will be taken to reduce any potential harm to individuals;
- in cases where serious harm is likely, KCCC will notify the relevant individuals, the OAIC, other relevant regulators (eg ACEEQA) and issue a public statement that will be made available on it website;
- following each breach / incident, KCCC will conduct a review of policies and processes and make any adjustments to avoid further breaches and incidents of a similar nature.

7. THE USE OF COOKIES / WEB ANALYTICS

KCCC uses cookies and web analytics to assist it with its core operations.

Cookies: "Cookies" (i.e. small text files placed on your computer when you first visit the site) are used on the KCCC website. Most browsers now recognise when a cookie is offered and permit you to refuse or accept it. If you are not sure whether your browser has this capability, you should check with

the software manufacturer, your company's technology help desk or your internet service provider. Cookies are primarily used to enhance your online experience. If you visit our websites to read or download information, such as news stories or articles, much of the information we do collect is statistical only (e.g., the domain from which you access the internet, the date and time you access our site, and the internet address of the website from which you linked directly to our site) and not personally identifiable. We use this information about the number of visitors and their use of the sites in aggregate form to make our sites more useful and attractive to you.

Google Analytics and Facebook Pixel: KCCC uses these tools on its website and social media pages to track the effectiveness of its content. These tools allow us to provide measurement services and target content.

8. LINKS TO THIRD PARTY WEBSITES

KCCC's website may contain links to third party websites, including sites maintained by government authorities (e.g. ACEEQA). Those other websites are not subject to our privacy policy and procedures. You will need to review those websites directly to view a copy of their privacy policies.

9. WHO CONTROLS THE DATA AND HOW DO I ACCESS IT OR CORRECT IT?

A data controller means the legal entity or person with the right to make decisions regarding the purposes, and the methods, of processing data. This includes the security measures concerning the operation and use of the data.

Where KCCC is the data controller you can request access to the personal information we hold about you, or request that we change that personal information to correct it if you believe it is inaccurate, incomplete or not up-to-date.

We will allow access or make the changes to the personal information within a reasonable timeframe, unless we consider that there is a sound reason under any relevant law to withhold the information, or not make the changes.

If we do not agree to make your requested changes to personal information, you may make a statement about the requested changes and we will attach this to the record.

If you wish to have your personal information deleted, please contact us and we will delete that information wherever practicable.

You can obtain further information about how to request access or changes to the information we hold about you by contacting us (see contact details below).

10. DOES KCCC DISCLOSE INFORMATION TO SERVICE PROVIDERS OR PEOPLE OUTSIDE OF AUSTRALIA?

KCCC uses a number of service providers to handle specific types of data that we collect. Some of these service providers are located outside Australia and use servers outside Australia / in the cloud, including Facebook and Google, which are both based in the United States. Other than these providers, KCCC does not tend to transfer personal information interstate or overseas.

If KCCC transfers information overseas for other purposes, it will only do so with the consent of the individuals or otherwise in accordance with law.

11. HOW TO CONTACT US OR MAKE A COMPLAINT

If you would like to find out more about our Privacy Policy or the personal information, we have collected about you, or if you would like to make a complaint, please contact us by:

- Emailing: privacy@kccc.org.au
- Calling: 03 9376 4565

- Sending a letter to us: Attention Privacy Officer, KCCC, 81B Altona St, Kensington VIC 3031

We will respond to your request usually within 48 hours and, at a maximum, within 30 days of receiving it, and treat seriously any claims of privacy breaches.