

Privacy Policy

Scope

This is the Privacy Policy of Willoughby Community Preschool Inc (ABN 47 974 826 099), the operator of, and approved provider for, Willoughby Community Preschool (in this Policy, referred to as the Preschool, we, us and when relating to us, our). It applies to children, parents/carers, prospective students and parents/carers, job applicants, staff, volunteer workers, contractors, visitors and others who have contact with the Preschool, subject to any exemptions such as employee records.

The Privacy Act 1988 (Cth) (Privacy Act) defines personal information to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not, and
- whether the information or opinion is recorded in a material form or not

(in this Policy, this information is collectively described as Personal Information).

We are committed to protecting the privacy of each such person to which it applies (in this Policy, you and when relating to you, your) and complying with the Australian Privacy Principles set out in the Privacy Act. (A copy of the Australian Privacy Principles can be obtained from the Office of the Australian Information Commissioner www.oaic.gov.au).

In this Policy we describe how we manage your Personal Information.

Relevant Legislation

Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017

Privacy Act 1998 (Cth)

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Health Records Information Privacy Act 2002 (NSW) (HRIP Act)

Goal

In handling Personal Information, the Preschool aims to comply with the Australian Privacy Principles under the Privacy Act, the Health Privacy Principles (HPPs) in the HRIP Act and privacy obligations in the Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011.

Exemptions

The Privacy Act, and other legislation, provides for certain exemptions, including in relation to employee records. The APPs and this policy do not apply to the handling of employee records in relation to current and former employees.

Consent

By:

- applying to enroll your child at the Preschool;
- enrolling your child at the Preschool; and
- using our service,

you will be deemed to consent to us using the Personal Information we collect (yours and your child's) in a manner consistent with this policy.

Please note that in some cases where the Preschool requests Personal Information about a child or parent, if the information requested is not provided, the Preschool may not be able to enrol or continue the enrolment of the relevant child.

The kinds of Personal Information we collect

The Preschool collects many different types of information depending on who it is being collected from and the purpose of the collection. The kinds of Personal Information that we collect include:

- contact details such as name, address, email address, mobile number and landline number;
- date and place of birth;
- banking details;
- attendance records;
- next of kin/emergency contact details;
- custody arrangements or parenting orders;
- information regarding our communications with you and your involvement in Preschool activities;
- details of Commonwealth Government reference numbers (CRN) and date of birth of the registered carer, for the benefit of claiming Child Care Subsidy (CCS);
- Centrelink Customer Reference Number and Medicare Number;
- photographs with individuals visible; and
- other general information about the individual child and family that assists the Preschool in providing individualised early learning and care

The Preschool may also collect sensitive information from individuals. Sensitive information may include information or an opinion, that is also personal information, about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record.

Another type of sensitive information the Preschool collects about an individual is health information, which is information or an opinion about the health or disability of a person and the health services

provided or to be provided to an individual. Examples include information about immunisation status, dietary requirements, doctor's details, medical conditions, medical reports, and additional needs.

How we collect Personal Information

We collect Personal Information by various lawful and fair means including when:

- you complete and submit an enrolment form, volunteer form, appointment of authorised person form, Preschool membership form, consent form / permission slip or similar (for example, consent for your child to attend an excursion);
- you contact us to inform us of updates to any of the information specified immediately above;
- you complete and submit a direct debit request form, in which you request the Preschool's direct debit service provider to debit fee payments from your bank account;
- you contact us with a question or inquiry;
- you complete a questionnaire or survey initiated by the Preschool;
- you subscribe to our newsletter / email updates;
- you attend a Preschool function or participate in a Preschool activity;
- you have contact with us by email, telephone or face to face in meetings;
- you visit our website.

Where practicable, we collect Personal Information about you directly from you. However, we may collect information about you from another source such as another family member, or the parent of another child enrolled at the Preschool (such as in the case where you might be appointed as an authorised person in relation to that other child), or the Preschool's direct debit service provider.

The Preschool will not collect health information in a manner that intrudes, to an unreasonable extent, on the personal affairs of the individual to whom the health information relates, nor will it collect health information in excess of what is required.

If the Preschool receives unsolicited Personal Information, we will determine within a reasonable period whether or not we could have collected the information if we had solicited it. If the Preschool determines we could not have collected the information, the Preschool will, as soon as practicable and if lawful and reasonable to do so, destroy or de-identify the unsolicited information.

The purposes for which we collect, hold, use and disclose Personal Information

The Preschool collects Personal Information as reasonably necessary for its functions and activities. It does not collect sensitive information without the individual's consent or as permitted by the Privacy Act, such as if required or authorised by a law or court order. The primary purposes for collection of this Personal Information include:

- to enable the Preschool to provide the best possible preschool education for each child, throughout the period the child is enrolled at the Preschool;

- to administer the Preschool's day-to-day business, including enrolments, invoicing, rostering, record keeping;
- to comply with the law, including licence requirements and funding rules;
- to facilitate payment of Preschool fees and other charges;
- to maintain accurate Preschool records;
- to keep you informed about matters relating to your child's preschool education, through correspondence, newsletters, emails and the like, and to respond to your enquiries;
- to create visual displays within the Preschool;
- where required, to provide health services to children enrolled in the Preschool;
- to monitor or improve the use of and satisfaction with our service;
- for the educational, social and medical wellbeing of enrolled children;
- to provide information about publications and/or upcoming events;
- to assess and engage suppliers;
- in connection with seeking assistance from the Preschool community when necessary and appropriate (for example, as part of Preschool fundraising, or volunteering programmes); and
- for any other purpose to which you consent, or which is permissible under the Privacy Act.

The Preschool uses or discloses Personal Information for the primary purpose for which it was collected and will not use it for another purpose unless you have consented or an exemption under the Privacy Act applies, such as you would reasonably expect us to use or disclose the information for a related secondary purpose (or for sensitive information, a directly related secondary purpose) or it is required or authorised by law or a court order.

The Preschool is also legally obligated to comply with the requirements of the Children (Education and Care Services) National Law Act 2010 (NSW) to collect personal information about a child's attendance and enrolment with the Preschool.

The Fair Work Act 2009 (Cth) also requires the Preschool to retain records of specific personal information pertaining to its employees.

The parties to whom your Personal Information is disclosed

Subject to our confidentiality obligations, we may share some relevant Personal Information as part of our day-to-day business with a number of persons including:

- government authorities, including in connection with our funding arrangements and payment of the Child Care Subsidy (or equivalent);
- medical practitioners;
- persons involved in Preschool activities, such as staff, volunteers and visiting educators and clinicians from other institutions;

- third party service providers who assist us with archival, auditing, accounting, legal, business consulting, website / technology or similar services that are required in connection with the day to day operation of the Preschool;
- anyone you authorise us to disclose the information to.

We also will disclose your information if required by law to do so or in circumstances permitted by the Privacy Act.

The Preschool will not transfer health information of an individual to any person or body outside of New South Wales or to a Commonwealth agency unless it is permitted to do so under the HRIP Act, for example, in circumstances where the individual consents to the transfer or the transfer is for the benefit of the individual, it is impracticable to obtain the consent of the individual to that transfer but if it were practicable to obtain such consent, the individual would be likely to give it.

Disclosure of information outside the jurisdiction of collection

The Preschool may disclose your Personal Information to third party service providers that may hold Personal Information on servers located outside Australia in:

- The United States of America;
- Canada;
- New Zealand; and
- Hong Kong.

Opting out of communications

We may, from time to time, send you newsletters, invitations and updates about the Preschool. You can opt out of receiving further such communications by notifying us by using our contact details below.

Security

We take reasonable physical, technical and administrative safeguards to protect your Personal Information from misuse, interference, loss, unauthorised access, modification and disclosure. For example, we maintain our files in secure filing cabinets located in the Director's office and limit access to Personal Information to Preschool personnel with a need to know. We also endeavour to instruct all workers to respect and maintain the privacy of individuals to the extent possible; restrict access to computer systems to authorised persons through the use of user names and passwords; the use of firewalls, intrusion detection devices and virus scanning tools to prevent unauthorised persons and viruses entering the Preschool's systems.

To the extent that such information is stored by means of the electronic interface between the Preschool and the Commonwealth Government (which is made available to us by a third party software provider), we take reasonable steps to check that the relevant service provider has implemented appropriate safeguards to secure this information.

Access/correction/updating Personal Information

The Preschool will take reasonable steps to ensure that Personal Information it collects and uses is accurate, complete and up to date. Please inform us as soon as possible of any changes to Personal Information you previously provided to the Preschool.

It is the Preschool's policy to delete or dispose of or de-identify Personal Information when it is no longer needed, or no longer a legal requirement for it to be kept – see further Retention of Records and Documents Policy.

You can contact us to request access to or amendment of, your Personal Information. Depending on the nature of the request, we may ask you to put your request in writing and/or to verify your identity. We will endeavour to reply to your request within 30 days.

Please note that there may be circumstances when access is denied, as permitted by the Privacy Act. For example, if it is deemed that the information would have an unreasonable impact on the privacy of others, or may result in the breach of the Preschool's duty of care to the relevant child. If access is denied, we will provide you with written notification.

If you request us to correct your Personal Information, we will either correct it, or, provide you with written notice of our refusal. If we refuse, you may request that we associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading.

We will not charge you to make a request to access your record but we may charge you to actually provide access depending on the costs associated with obtaining and providing the material. We will not charge you for making a request to access Personal Information, but we may charge you for locating, retrieving or copying the information requested. The Preschool will endeavour to notify you of the likely fee in advance before proceeding with the application.

These actions can usually be taken by contacting us using the contact information on the "Contact Us" section below.

Notifiable Data Breach

A data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference.

The notifiable data breach scheme requires the Preschool to notify the Office of the Australian Information Commissioner and any individuals likely to be at risk of serious harm by a data breach.

Where we have reasonable grounds to suspect a data breach may have occurred we will undertake an expeditious assessment within 30 days to determine if the data breach is likely to result in serious harm and is an "eligible" (notifiable) data breach.

Not all data breaches are eligible (notifiable). An eligible data breach is a data breach that is likely to result in serious harm to any individuals to whom the information relates and the organisation has not been able to prevent the likely risk of serious harm with remedial action.

Where a data breach is eligible (notifiable) we will comply with our notification obligations and take action to prevent future breaches.

Changes to policy

Our Privacy Policy may be changed from time to time. If we decide to change our Privacy Policy, we may:

- post a hard copy on the Preschool notice board, and
- post an electronic copy on our website.

Complaints / Contact us

If you would like further information about privacy of Personal Information or believe there has been a breach by the Preschool of the Australian Privacy Principles, a complaint may be made to us by contacting or sending it to:

Willoughby Community Preschool
7-9 Central Street
NAREMBURN NSW 2065
Attention: Director

Telephone: 9437 4260
E-mail: director@wcp.org.au

We will endeavour to respond to any complaint within 30 days. If you are not satisfied with our response to your complaint you may contact the Office of the Australian Information Commissioner using the information available at <http://www.oaic.gov.au/privacy/privacy-complaints>.

Related Policies

- Confidentiality of Records Policy;
- Medical Conditions Policy;
- Child Protection Policy;
- Enrolment and Orientation Policy; and
- Retention of Records and Documents Policy.