

# RECORDS RETENTION AND MANAGEMENT POLICY

**Quality Areas:** NQS 7 - Governance and Leadership

**Policy Owner:** General Council



## 1.0 Introduction and Purpose:

We understand that centres implement systems and processes that require the recording of information both in hard copy and digitally. The documenting of this information supports quality practice and meet compliance requirements and other legislative frameworks.

## 2.0 Who does this policy apply to:

Team Members, Families, Children, Board members, Contractors

## 3.0 What is our Policy:

This policy has been developed to comply with the Australian Privacy Principles (APPs) (2014) and pursues the highest standard in the protection and preservation of privacy and confidentiality.

We will:

- Maintain private and confidential files for team members and team members, children, and their families. We will develop systems for the appropriate use, storage, and disposal of records.
- Ensure the information in these files is used only for the education and care of the child enrolled in the centre, and only shared with relevant or authorised people as defined within authorisations of the education and care services national regulations.
- Retain records in accordance with the education and care services national regulations.

Outlined below are the required timeframes for retention of records:

Type of Record	Timeframe
Child assessments	Until the end of 3 years after the child's last attendance
Incident, injury, trauma and illness record	Until the child is 25 years old
Medication record	Until the end of 3 years after the child's last attendance
Child's attendance	Until the end of 3 years after the record was made
Child enrolment	Until the end of 3 years after the child's last attendance
Death of a child while being educated and cared for by the service	Until the end of 7 years after the death
Staff record	Until the end of 3 years after the staff member works for the service

Record of access to early childhood teachers	Until the end of 3 years after the staff member works for the service
Record of team members working directly with children	Until the end of 3 years after the staff member works for the service
Record of volunteers and students	Until the end of 3 years after the volunteer or student attended the service

## 5.0 Responsibilities:

### 5.1 Approved Provider will:

#### Collection of Information

1. Ensure that each team member, staff member, volunteers, students and families are provided with a copy of the Confidentiality and Privacy policy upon commencement of employment/enrolment.
2. Ensure Nominated Supervisors, team members and staff, volunteers and students' information is correct in personnel and other files. This includes information on qualifications, Working with Children Check (or state-based equivalent), criminal history checks, staff entitlements, contact and
3. emergency information, health and immunisation information, and any relevant medical and/or legal information. This would also include any other relevant information collected by the centre.
4. Ensure that information collected from families, team members, committee members and the community is maintained in a private and confidential manner at all times.
5. Ensure that such information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined as appropriate in the Education and Care Services National Regulations (r181), which says information can be communicated:
  - a. To the extent necessary for the education, care, or medical treatment of the child
  - b. To the parent of the child to whom the information relates (except for information in staff records)
  - c. To the regulatory authority or an authorised officer
  - d. As authorised, permitted, or required to be given by or under any act or law.
  - e. With written consent of the person who provided the information
6. Ensure families are informed upon enrolment how images/photographs of their children will be used on Story Park, the Internet and/or other publications.
7. Provide families with information on the Grievance and Complaints procedure if any confidentiality or privacy procedure has been breached. Individuals can make a complaint to Guardian if they believe there has been a breach of their privacy. The breach will be assessed by Guardian within
8. 14 days. Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between Guardian and the individual to resolve the situation.
9. Ensure information provided by families, staff and committee members is only used for the purpose it was collected for.

### 5.2 Centre Managers will:

1. Ensure each families' information is correct on enrolment records. This includes information on:
  - a. Immunisation, financials, parent/authorised nominee/emergency contacts, details of family and emergency contact information, Family Assistance information, and any medical or legal information (such as family court documentation) required by us. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law, or other relevant information collected to support the enrolment of a child.
2. Provide families with details of the personal information collected by us. This information will include:

- a. The types of information collected by Guardian.
  - b. The purpose of collecting information
  - c. What types of information will be disclosed to the public or other agencies and when and why disclosure may occur?
  - d. How information is stored at the centre
  - e. Approaches used to keep information secure.
  - f. Who has access to the information?
  - g. The right of the individual to view their personal information.
  - h. The length of time information needs to be archived.
  - i. How information is disposed of
3. Ensure information provided by families and staff is only used for the purpose it was collected for.
  4. Ensure this policy and procedure is shared with new employees and it is understood and followed.
  5. Ensure volunteers and students understand this policy and ensure it is adhered to.

### **Storage of Information**

Ensure that centre records, personnel records, CCS information and children's and family's information is stored securely, reducing the chance of unauthorised access, use or disclosure, and remains private and confidential at all times.

### **Access to Information**

1. Ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than:
  - a. Medical and developmental information that is required to adequately provide education and care for the child.
  - b. The State's Regulatory Authority, or an authorised officer
  - c. As permitted or required by any Act or Law
2. Individuals will be allowed access to their personal information as requested. Individuals must request this information in writing from the Nominated Supervisor. Authorised persons may request to view any information kept on their child.
3. Information may be denied under the following conditions:
  - a. Access to information could compromise the privacy of another individual.
  - b. The request for information is trivial or troublesome.
4. The information relates to legal issues, or there are legal reasons not to divulge the information, such as in cases of custody and legal guardianship.

### **5.3 Team Members will:**

1. Maintain children's information and store documentation according to this policy at all times.
2. Not share information digitally, verbally or otherwise about:
  - a. The centre (including Guardian performance, reports, budgets, price information and supplier lists)
  - b. Any details relating to the children and families in the centre.
  - c. Staff information and records
  - d. Curriculum plans, staff and family surveys, records and reports
  - e. Any other Guardian specific information which is not generally available to the public
  - f. Any of the above without written permission or legislative authority
3. Be familiar with and demonstrate how they put into practice Guardians' Code of Conduct Walking with Respect in a Space for Children and the Early Childhood Australia (ECA) Code of Ethics (2016) as part of their daily practice.
4. Sign a Confidentiality Statement at the commencement of their employment.

### **5.4 Families and communities will:**

1. Provide accurate information when requested.



2. Maintain the privacy of any personal or health information provided to them about other individuals, such as contact details.
3. Complete all permission forms and return them to the centre in a timely manner.
4. Be sensitive and respectful to other parent/guardians who do not want their child to be photographed or videoed.
5. Be sensitive and respectful of the privacy of other children and families in photographs/ videos when using and disposing of these photographs/videos.

## 6.0 Tools and Resources

<b>The most important documents I need are:</b> Privacy Procedure	<b>Other supporting documents will include:</b>
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## 7.0 Links to the National Law and Regulations

- Regulation 181 Confidentiality of records kept by the Approved Provider
- Regulation 183 Storage of records and other documents
- Regulation 184 Storage of records after service approval transferred.

## 8.0 References

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Guide to the National Quality Framework 2018

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