



T 02 4472 6939
E info@muddypuddles.org.au
W www.muddypuddles.org.au

PO Box 746
Batemans Bay NSW 2536

1.08 Information Privacy Policy

Practice Standard linked to: 1. Rights and responsibilities / 1.3 Privacy and dignity

Purpose

This policy aims to ensure that Muddy Puddles complies with the Australian Privacy Principles as set out in the Privacy Act 1988 (Cwth) and with the Children and Young Persons (Care and Protection) Act 1988 (NSW) when managing confidential information on Muddy Puddles team members and clients.

Scope

This policy covers the collection, storage, disclosure and disposal of confidential client (or potential client) information and team member records. Confidential information includes personal information that can identify an individual (name, gender, date of birth, address, telephone number, email address and photographs) and sensitive information such as health records and employee records.

This policy applies to all children, and the families and carers of children, who are receiving (or may receive in future) services from Muddy Puddles. It also applies to employees, volunteers and contractors who are associated with Muddy Puddles.

References

Privacy Act 1988 (Cwth)
Information Privacy Act 2002
Health Records and Information Privacy Code of Practice 25 (NSW)
Children and Young Persons (Care and Protection) Act 1988 (NSW)

Related policies

Rights and Responsibilities Policy

Key Actions (detailed below)

- Adherence to the Australian Privacy Principles, noting the exception contained in the Children and Young Persons (Care and Protection) Act 1988 (NSW).
- Retaining only information that is necessary to conduct business.
- Full disclosure to those with authority to access the information.
- Security levels appropriate to the sensitivity of the information.

Privacy Principles

Muddy Puddles must adhere to the Australian Privacy Principles¹. These Principles cover the following:

- The open and transparent management of personal information
 - Muddy Puddles must provide access to information, and in the individual's preferred format. If access is refused in accordance with Australian law, Muddy Puddles must provide a written explanation.
 - individuals have the right to lodge a complaint if they believe Muddy Puddles has breached their right to privacy, by contacting the Office of the Australian Privacy Commissioner on 1300 363 992.
 - a copy of this Privacy Policy must be made available on the Muddy Puddles website, or to any individual who requests access.
- An individual having the option of transacting anonymously or using a pseudonym where practicable
 - when contacting Muddy Puddles, individuals have the option of not identifying themselves or of using a made-up name, except when it is impractical or it becomes necessary for them to identify themselves under Australian law, or for Muddy Puddles to provide services.
- Collection of information
 - unless otherwise required by Australian law, Muddy Puddles must not collect information without the individual's consent, and without their knowledge of why the information is being collected and the purposes for which it will be used. If requested, Muddy Puddles must make corrections to the information to ensure it is accurate and up-to-date.
 - any information received about an individual from another source, and that has been received without their consent and is not required by Australian law, must be destroyed or de-identified.
- Disclosure of Information
 - unless otherwise required by Australian law, Muddy Puddles must not, without an individual's consent:
 - publish or disclose information to anyone who is not authorised to see it, or to any organisation other than Muddy Puddles
 - use any information for purposes other than the reasons for which it was collected.
- Protection of Information
 - Muddy Puddles must take all reasonable steps to protect personal and sensitive information from misuse, interference and loss, and from unauthorised access, modification or disclosure.
 - any information held by Muddy Puddles that is no longer required for its original purpose, and is not required to be kept under Australian law, must be destroyed or de-identified.

¹ <https://www.oaic.gov.au/individuals/privacy-fact-sheets/general/privacy-fact-sheet-17-australian-privacy-principles>



Exceptions to the Privacy Principles

Exception 1: Child Protection

Chapter 16A of the Children and Young Persons (Care and Protection) Act 1988 (NSW) states the following with regard to the exchange of personal information between agencies:

245A 2(d) Because the safety, welfare and well-being of children and young persons are paramount:

(i) the need to provide services relating to the care and protection of children and young persons, and

(ii) the needs and interests of children and young persons, and of their families, in receiving those services,

take precedence over the protection of confidentiality or of an individual's privacy.

245C: (1) A prescribed body (the "provider") may provide information relating to the safety, welfare or well-being of a particular child or young person or class of children or young persons to another prescribed body (the "recipient") if the provider reasonably believes that the provision of the information would assist the recipient:

(a) to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young persons, or

(b) to manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

(2) Information may be provided under this section regardless of whether the provider has been requested to provide the information.

Muddy Puddles is a prescribed body under the following definition included in the associated Regulations (2012 – REG 8):

(j) any other organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.

Exception 2: Externally Managed Computer Applications

Externally managed web-based computer applications such as e-mail, payment systems, website tracking and surveys may be hosted by organisations in countries other than Australia, and therefore may be outside the control of Muddy Puddles and may not be covered by Australian privacy laws.

Muddy Puddles must:

- ensure that users of such applications (via the Muddy Puddles website) understand and acknowledge, before using the application, that that any information they provide is not protected by Australian privacy laws
- give users the option of 'opting out' of mailing lists



- give users the option of using such applications anonymously or with a pseudonym where possible (eg: surveys and feedback); the ability to provide anonymous feedback that does not require email addresses and/or phone numbers to be provided is of particular importance.

Information Holdings

Clients

Unless otherwise agreed in writing by the individual, the collection and holding of client information by Muddy Puddles must be limited only to information necessary for the safe and effective delivery of services, ie: information about children attending Muddy Puddles activities and their parents/guardians that:

- ensures the parent/guardian can be contacted both routinely and quickly in an emergency situation
- enables Muddy Puddles to understand the nature of children’s disabilities, abilities, behaviour and preferences, and provide appropriate and individualised services
- provides sufficient health/medical details to enable Muddy Puddles to protect the child, and to respond appropriately in an emergency (eg: allergies, seizures)
- assists Muddy Puddles to respond appropriately to cultural and/or religious requirements
- allows Muddy Puddles to keep a record of individual goals, and progress against those goals (case notes)
- gives/refuses permission for taking and using photographs
- is required by legislation
- records details of feedback and complaints
- records exit information and referrals to other services.

Muddy Puddles Team members

Unless otherwise agreed in writing by the individual, the collection and holding of information on Muddy Puddles team members (employees, volunteers and contractors) must be limited only to information necessary for recruitment, development, management, and exit, as follows:

- resumes, qualifications and references
- contact details
- information required by legislation (eg: police checks, tax file number)
- position descriptions
- training records
- reportable incidents (eg: unacceptable behaviour, OHS).

Storage of Data

Muddy Puddles currently holds client data in a cloud-based system called Echidna. Echidna is operated by the Australian company InetSolutions, and has been specifically designed to support the needs of the Early Childhood Intervention sector. InetSolutions are responsible for the backup and security of the data. In certain circumstances where additional security is deemed necessary for



particularly sensitive information, Muddy Puddles restricts storage of the data to paper files in a locked filing cabinet to which only a small number of Muddy Puddles employees have access.

Where data is collected on paper forms prior to being entered into a computer, the forms must be stored in a locked cabinet until entered, and then securely disposed.

Disposal of Data

Client and employee data must be retained for 7 years after leaving Muddy Puddles. The data must then be removed from Echidna and paper files must be securely disposed.

Versions and approval

Version	Change	Approved by	Date Approved	Review Date
V2.0	New template; aligned to NDIS Practice Standards	Board	August 2019	January 2022
V1.0		Board Chair	May 2017	May 2018

