

PRIVACY AND CONFIDENTIALITY

QUALITY AREA 7 | VERSION 1.7



PURPOSE

This policy provides a clear set of guidelines:

- for the collection, storage, use, disclosure, and disposal of personal information, including photos, and health information at Denzil Don Kindergarten
- to ensure compliance with privacy legislation
- on responding to requests for information to promote child wellbeing or safety and/or assess and manage risk of family violence (mandatory)
- on sharing and requesting information to promote child wellbeing or safety and/or manage risk of family violence.



POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child are the paramount consideration and must guide all decisions, actions and practices of educators within the education and care service.

VALUES

Denzil Don Kindergarten is committed to:

- responsible and secure collection and handling of personal (including photos), and health information
- protecting the privacy of each individual's personal information (including photos),
- ensuring individuals are fully informed regarding the collection, storage, use, disclosure, and disposal of their personal (including photos), and health information, and their access to that information
- proactively sharing information to promote the wellbeing and/or safety of a child or a group of children, consistent with their best interests

SCOPE

This policy applies to all service staff, students, volunteers, parents/carers, children, and others attending the programs and activities of Denzil Don Kindergarten.

RESPONSIBILITIES	Approved provider and service management	Nominated supervisor and persons in day-to-day charge	All service staff	Parents/carers	Contractors, volunteers and students
R indicates legislation requirement					
Ensuring all records and documents (including images) are maintained and stored in accordance with Regulations 177, 181 and 183 of the Education and Care Services National Regulations 2011 and National Law 175	R	✓	✓		✓
Ensuring the service complies with the requirements of the Health Privacy Principles as outlined in the Health Records Act 2001 , the Information Privacy Principles as outlined in the Privacy and Data	R	✓			

<p><i>Protection Act 2014 (Vic)</i> and, where applicable, the <i>Australia Privacy Principles</i> as outlined in the <i>Privacy Act 1988 (Cth)</i> and the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i>, by taking proactive steps to establish and maintain internal practices, procedures, and systems that ensure compliance with privacy legislations including:</p> <ul style="list-style-type: none"> identifying the kind of personal, sensitive, and health information that will be collected from an individual or a family communicating the reason why personal, sensitive, and health information is being collected, and how it will be stored, used, and disclosed, and managed and are provided with the service's privacy statement (<i>see Attachment 3</i>) and all relevant forms communicating how an individual or family can access and/or update their personal, sensitive, and health information at any time, to make corrections or update information how children's personal information (including photos) is shared online communicating how an individual or family can complain about any breaches of the privacy legislation, and how the service will deal with these complaints 					
Ensuring a copy of this policy, including the Privacy Statement, is provided to all stakeholders, is prominently displayed at the service and/or electronically accessible, is up to date and available on request	R	√			
Reading and acknowledging they have read the <i>Privacy and Confidentiality Policy</i> , including the Privacy Statement	R	√	√	√	√
Maintaining the management of privacy risks at each stage of the information lifecycle, including collection, use, disclosure, storage, destruction or de-identification	R	√	√		
Protecting personal information from misuse, interference, loss and unauthorised access, modification or disclosure	R	√	√		
Identifying and responding to privacy breaches, handling access and correction requests, and receiving and responding to complaints and inquiries	R	√			
Providing staff training and information on how the privacy legislation applies to them and the service	R	√			
Ensuring appropriate supervision of staff who regularly handle personal, sensitive, and health information	R	√			
Ensuring that personal, sensitive, and health information is only collected by lawful and fair means, and is accurate and complete	R	√	√		
Teaching children what personal information is and why they should be very careful about sharing this information online	R	√	√	√	√
Ensuring parents/carers know why personal, sensitive and health information is being collected and how it will be used, disclosed and managed and are provided with the service's Privacy Statement (<i>see Attachment 3</i>) and all relevant forms	R	√	√		
Ensuring that an individual or family can have access to their personal, sensitive and health information at any time, to make corrections or update information (<i>see Attachment 4</i>)	R	√	√	√	√
Providing adequate and appropriate secure storage for personal (including photos), sensitive, and health information collected by the service, including electronic storage	R	√			
Ensuring that records and documents are kept in accordance with <i>Regulation 183</i>	R	√	√		

Taking reasonable steps to securely destroy or de-identify personal information (including images) when it is no longer required. At Denzil Don Kindergarten, hard copy records are shredded, and electronic records are permanently deleted from all systems, including backups	R	√			
Establishing processes for the safe and secure disposal of broken or unused devices (<i>see Sources</i>)	R	√			
Notifying an individual or family if the service receives personal sensitive and health information about them from another source as soon as practicably possible	R	√			
Ensuring that if personal (including photos), sensitive and health information needs to be transferred outside of Victoria, that the individual or family concerned has provided consent, or if the recipient of the personal information is subject to a law or binding scheme	R	√			
Ensuring the unique identifiers are not adopted, used or disclosed unless lawfully required (<i>see Attachment 2</i>)	R	√			
Ensuring reasonable steps to destroy personal (including photos), and health information and ensure it is de-identified if the information is no longer required for any purpose as described in <i>Regulations 177, 183, 184</i> (<i>see Attachment 2</i>)	R				
Complying with the Notifiable Data Breaches Scheme (<i>see Definitions</i>) which imposes an obligation to notify individual whose personal information (including photos), is in a data breach that is likely to result in serious harm.	R	√			
Developing a data breach (<i>see Sources</i>) response plan that sets out the roles and responsibilities involved in managing a data breach, the steps taken if a data breach occurs (<i>see Sources</i>) and notifying the <i>Office of the Australian Information Commission</i> as appropriate.	R				
Promoting awareness and compliance with the Child Safe Standards (<i>see Definitions</i>), and disclosing information to promote the wellbeing and safety of a child or group of children by using the Child Information Sharing Scheme, and /or the FVISS (<i>see Definitions</i>)	R	R	R		
Abiding by the National Model Code to promote a child safe culture when it comes to taking, sharing and storing images of children at the service (<i>see eSafety for Children Policy and Use of Digital Technologies and Online Environment Policy</i>)	√	√	√		√
Ensuring that parents/carers are informed at enrolment about how photos of children will be used, and that appropriate permission is sought	R	√	√		√
Ensuring that images of children are treated with the same respect as personal information, and as such are protected by privacy laws in the same way	R	R	R	R	R
Ensuring the appropriate use of images of children, including being aware of cultural sensitivities and the need for some images to be treated with special care	√	√	√	√	√
Being sensitive and respectful to parents/carers who do not want their child to be photographed	R	√	√	√	√
Being sensitive and respectful of the privacy of other children and parents/carers in photographs when using and disposing of these photographs	R	√	√		
Establishing procedures to be implemented if parents/carers request that their child's image is not to be taken, or when a child requests that their photo not be taken	R	√	√		

Ensuring that geotagging (<i>see Definitions</i>) is disabled when taking images of children	R	R			√
Including a confidentiality clause relating to appropriate information handling in the agreement or contract between a photographer and the service	R	√			√
Child Information and Family Violence Sharing Scheme					
Ensuring information sharing procedures abide by the <i>Child Information Sharing Scheme (CISS) Ministerial Guidelines and Family Violence Information Sharing (FVISS) Ministerial Guidelines (see Source)</i> and exercising professional judgment when determining whether the threshold for sharing is met, what information to share and with whom to share it (<i>see Attachment 4</i>)	R	R	R		
Identifying which staff should be authorised point of contact in relation to the CISS and the FVISS (<i>see Definitions</i>)	R	√			
Ensuring the authorised point of contact undertakes appropriate training and is aware of their responsibilities under the CISS and FVISS (<i>see Definitions</i>)	R	√			
Being aware of who the point of contact at the service under the CISS and FVISS, and supporting them (if applicable) to complete the threshold test (<i>see Attachment 4</i>)		R	R		
Communicating to staff about their obligations under the Information Sharing Schemes, and ensure they have read this policy	R	√			
Providing opportunities for identified ISE staff to undertake the appropriate Information Sharing and MARAM online Learning System training (<i>see Sources</i>)	R	√			
Engaging in training about Information Sharing and MARAM online Learning System training (<i>see Sources</i>)	√	√	√		
Ensuring information sharing procedures are respectful of and have regard to a child's social, individual, and cultural identity, the child's strengths and abilities, and any vulnerability relevant to the child's safety or wellbeing	√	√	√		
Ensuring any requests from ISE's are responded to in a timely manner and provide relevant information if the requirements for sharing under CISS or FVISS (<i>see Definitions</i>) are met (<i>see Attachment 4</i>)	R	R	R		
Promoting a child's cultural safety and recognising the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both when sharing information under the CISS and FVISS (<i>see Definitions</i>)	R	R	R		
Giving precedence to the wellbeing and safety of a child or group of children over the right to privacy when sharing information under the CISS and the FVISS (<i>see Definitions</i>)	R	R	R		
Ensuring confidential information is only shared to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children	R	R	R		
Maintaining record keeping processes that are accurate and complete as set by <i>Child Wellbeing and Safety (Information Sharing) Regulations</i> concerning both written and verbal sharing of information and or complaints (<i>see Attachment 4</i>)	R	R	R		
Ensuring actions are taken when an ISE becomes aware that information recorded or shared about any person is incorrect, and is corrected in a timely manner	R	R	R		

Working collaboratively with services that are authorised and skilled (including those located within The Orange Door) to determine appropriate actions and promote collaborative, respectful practice around parent/carer and children	R	R	R		
Seeking and considering the views and wishes of the child and the child’s relevant family members, if it is appropriate, safe and reasonable to do so when sharing information under the CISS and the FVISS (<i>see Definitions</i>)	R	R	R		

PROCEDURES

SHARING INFORMATION AND RECORD KEEPING UNDER THE CHID INFORMATION AND FAMILY VIOLENCE SHARING SCHEME – *SEE ATTACHMENT 4*

BACKGROUND AND LEGISLATION



BACKGROUND

Early childhood services are obligated by law, service agreements, and licensing requirements to comply with the privacy and health records legislation when collecting personal and health information about individuals.

The *Health Records Act 2001 (Part 1, 7.1)* and the *Privacy and Data Protection Act 2014 (Vic) (Part 1, 6 (1))* include a clause that overrides the requirements of these Acts if they conflict with other Acts or Regulations already in place. For example, if there is a requirement under the *Education and Care Services National Law Act 2010* or the *Education and Care Services National Regulations 2011* that is inconsistent with the requirements of the privacy legislation, services are required to abide by the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

Adopting the National Model Code is crucial for Early Childhood Education and Care (ECEC) services to ensure the safety and privacy of children. The National Model Code has been designed for voluntary adoption by ECEC services.

At Denzil Don Kindergarten, only service-issued iPads are used for taking photos of children. Videos are never taken of children. Images are used internally for Observations. The only images that are shared with the families are those added to the monthly, reflective journal. They NEVER include children’s faces, instead featuring hands at work, or backs of heads, or blurred where a face would have been visible.

The Journal is shared via a hidden and password protected class-specific webpage of the kindergarten website. Only the families of children in that group have access to the page and password.

Photos are deleted once their use has been met. Printed photos are shredded immediately (if their use is fulfilled) or after every 3 years if part of documentation.

In line with the Victorian Government’s Roadmap for Reform, Education State reforms and broader child safety initiatives, *Part 6A* of the *Child Wellbeing and Safety Act 2005 (the Act)* was proclaimed in September 2018. The Act established the Child Information Sharing (CIS) Scheme, which enables sharing of confidential information between prescribed entities in a timely and effective manner in order to promote the wellbeing and safety of children. The Act also authorised the development of a web-based platform that will display factual information about children’s participation in services known as the Child Link Register (to be rolled out in the early years sector from 2023/2024). The Child Link Register aims to improve child wellbeing and safety outcomes, monitor and support the participation in government-funded programs and services for children in Victoria.

Alongside the CIS Scheme, the *Family Violence Protection Act 2008* includes the Family Violence Information Sharing (FVIS) Scheme and the Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework, which enables information to be shared between prescribed entities to assess and manage family violence risk to children and adults. The MARAM Framework can be used by all services including ECEC services that come into contact with individuals and parent/carer experiencing family violence. The MARAM Framework aims to establish a system-wide shared understanding of family violence. It guides professionals across the continuum of service responses, across the range of presentations and spectrum of risk. It provides information and resources that professionals need to keep victim survivors safe, and to keep perpetrators in view and hold them accountable for their actions.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Associations Incorporation Reform Act 2012 (Vic)
- Child Wellbeing and Safety Act 2005
- Child Wellbeing and Safety (Information Sharing) Amendment Regulations 2020
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011: Regulations 181, 183
- Family Violence Protection Amendment (Information Sharing) Act 2017
- Freedom of Information Act 1982 (Vic)
- Health Records Act 2001 (Vic)
- National Quality Standard, Quality Area 7: Leadership and Service Management
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Regulations 2013 (Cth)
- Public Records Act 1973 (Vic)



The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms, see the Definitions File located online: <https://denzildonkinder.org.au/policies/> OR in the Policies Folder in the kindergarten office.

Child Information Sharing Scheme (CISS): enables Information Sharing Entities (ISE) (*see Definitions*) to share confidential information about any person to promote the wellbeing and/or safety of a child or group of children. The CISS works in conjunction with existing information sharing legislative provisions. All Victorian children from birth to 18 years of age are covered. Unborn children are only captured when there has been a report to Child First or Child Protection. Consent is not required from any person when sharing under CISS. The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the *Children, Youth and Parent/carer Act 2005*.

Child Safe Standards: Promotes the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.

Confidential information: For the purposes of this policy, the CISS and FVISS, the health information and identifiers for the *Health Records Act 2001* and the personal information for the *Privacy and Data Protection Act 2014*, including sensitive information (such as a criminal record), and unique identifiers.

Discloser: In the context of the Schemes, this is defined as sharing confidential information for the purpose of promoting the wellbeing or safety of a child or group of children. In the context of family violence, this is defined as when someone tells another person about violence that they have experienced, perpetrated or witnessed.

Family Violence Information Sharing Scheme (FVISS): enables the sharing of relevant information between authorised organisations to assess or manage risk of family violence.

Freedom of Information Act 1982: Legislation regarding access and correction of information requests.

Geotagging: A piece of electronic data that shows where someone or something is and can, for example, be attached to a photograph or comment on social media.

Health information: Information or opinions about a person's physical or mental health, disability (past, present, or future), health preferences (including future health services), use of health services, bodily donations (e.g., blood or organs), or genetic information.

Health Records Act 2001: State legislation that regulates the management and privacy of health information handled by public and private sector bodies in Victoria.

Identifier/Unique identifier: A symbol or code (usually a number) assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding the use of the person's name.

Information Sharing Entities (ISE): are authorised to share and request relevant information under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (the Schemes) and required to respond to requests from other ISEs. All ISEs are mandated to respond to all requests for information.

Multi-Agency Risk Assessment and Management Framework (MARAM): Sets out the responsibilities of the organisation in identifying, assessing, and managing parent/carer and guide information sharing under both CIS and FVIS schemes wherever family violence is present.

Notifiable Data Breaches scheme (NDB): a Commonwealth scheme that ensures any organisation or agency covered by the [Privacy Act 1988](#) notifies affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach is likely to result in serious harm to an individual whose personal information is involved.

Privacy and Data Protection Act 2014: State legislation that provides for responsible collection and handling of personal information in the Victorian public sector, including some organisations, such as early childhood services contracted to provide services for government. It provides remedies for interferences with the information privacy of an individual and establishes the Commissioner for Privacy and Data Protection.

Privacy Act 1988: Commonwealth legislation that operates alongside state or territory Acts and makes provision for the collection, holding, use, correction, disclosure, or transfer of personal information. The [Privacy Amendment \(Enhancing Privacy Protection\) Act 2012 \(Cth\)](#) introduced on 12 March 2014 has made extensive amendments to the [Privacy Act 1988](#). Organisations with a turnover of \$3 million per annum or more must comply with these regulations.

Public Records Act 1973 (Vic): Legislation regarding the management of public sector documents.

Risk Assessment Entity (RAE): Under FVISS, there is also a subset of specialist ISEs known as Risk Assessment Entities that are able to receive and request information for a family violence assessment purpose. RAEs have specialised skills and authorisation to conduct family violence risk assessment, examples can include but not limited to Victorian Police, child protection, family violence service and some Orange Door services.

SOURCES AND RELATED POLICIES



SOURCES

- Australia Not-for-profit Law Guide (2025), Privacy Guide: A guide to compliance with privacy laws in Australia: [Privacy-Guide.pdf](#)
- Australian Signals Directorate: [How to dispose of your device securely](#)
- Child Care Service Handbook, 2025: <https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>
- Child Information Sharing Scheme Ministerial Guidelines: www.vic.gov.au/child-information-sharing-scheme-ministerial-guidelines
- Family Violence Multi-Agency Risk Assessment and Management Framework: www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management
- Guidelines to the Information Privacy Principles: www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/
- Information sharing and Child Link: www.vic.gov.au/child-information-sharing-scheme-ministerial-guidelines
- Information Sharing and Family Violence Reforms Toolkit: www.vic.gov.au/guides-templates-tools-for-information-sharing
- Information Sharing and MARAM Online Learning System: www.training.infosharing.vic.gov.au/login/index.php
- Information sharing guides, templates and tools: www.education.vic.gov.au
- Ministerial Guidelines for the Family Violence Information Sharing Scheme: www.vic.gov.au/family-violence-information-sharing-scheme
- National Model Code - Taking images in early childhood education and care: <https://www.acecqa.gov.au/national-model-code-taking-images-early-childhood-education-and-care>
- Office of Australian Information Commissioner, Data breach preparation and response: www.oaic.gov.au/privacy/guidance-and-advice/data-breach-preparation-and-response
- Office of the Health Complaints Commissioner: www.hcc.vic.gov.au/

- Office of the Victorian Information Commissioner, Child information sharing scheme and privacy law in Victoria: www.ovic.vic.gov.au/wp-content/uploads/2019/01/20190109-Child-information-sharing-scheme-FAQs-1.pdf
- Office of the Victorian Information Commissioner: <https://ovic.vic.gov.au>

RELATED POLICIES

- Child Safe Environment and Wellbeing
- Code of Conduct
- Compliments and Complaints
- Delivery and Collection of Children
- Enrolment and Orientation
- Use of Digital Technologies and Online Environment
- Staffing
- Inclusion and Equity

EVALUATION



To assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints, and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy, and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk ([Regulation 172 \(2\)](#))

ATTACHMENTS



- Attachment 1: Record keeping and privacy laws
- Attachment 2: Privacy Principles in action
- Attachment 3: Privacy Statement
- Attachment 4: Sharing information and record keeping under the Child Information and Family Violence Sharing Scheme

AUTHORISATION



This policy was adopted by the approved provider of Denzil Don Kindergarten on 21/02/2026.

REVIEW DATE: 21 / MARCH / 2028

ATTACHMENT 1. RECORD KEEPING AND PRIVACY LAWS

Early childhood services must ensure that their processes for the collection, storage, use, disclosure and disposal of personal, sensitive and health information meet the requirements of the appropriate privacy legislation and the *Health Records Act 2001*.

The following are examples of records impacted by the privacy legislation:

- **Enrolment records:** *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. This information is classified as personal, sensitive and health information (*see Definitions*) and must be stored securely and disposed of appropriately.
- **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 of the person delivering and collecting the child or the Nominated 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 health information about the child.
- **Images:** This information is classified as personal information (*see Definitions*) and must be stored securely and disposed of appropriately. Geotagging must be disabled to protect privacy.
- **Handling and storage of information:** All enrolment information is stored onsite, in locked filing cabinets. When confidential information is required to be taken off-site (e.g. on excursions, a list of children with medical conditions and contact numbers will be required), it is taken in the excursion trolley which is always by the side of an educator.
- **Electronic records:** All electronic records containing personal, sensitive or health information are stored in password protected and platforms and can only be accessed by authorised personnel.
- **Forms:** Enrolment forms and any other forms used to collect personal, sensitive or health information should have the service's Privacy Statement attached.
- **Collecting information for which there is no immediate use:** We only collect the information for a specific purpose. We do collect information that has no immediate use, even if it may be useful in the future.

Record Keeping Timeframes

An approved provider must keep the documents set out in the table below at the service premises if they relate to:

- the operation of the service in the previous 12 months
- any staff member employed or engaged by the service in the previous 12 months
- any child educated and cared for at those premises in the previous 12 months.

The documents must be kept in a secure place and in a manner that is readily accessible by an authorised officer.

The following table describes what records and documents must be kept and for how long. Reasonable steps must be taken to make sure the documents are accurate.

Type of Record	Responsibility	Timeframe
Evidence of all current insurance policies, including public liability Note: Does not apply if the insurance is provided by a state or territory government	Approved provider	Ongoing Available for inspection at service premises
Quality improvement plan	Approved provider	Ongoing, to be revised annually
Child assessments or evaluations for delivery of the educational program	Approved provider	Until the end of 3 years after the child's last attendance
Incident, injury, trauma and illness record	Approved provider	Until the child is 25 years old
Records identified as relevant to child safety and wellbeing (including child sexual abuse)	Approved provider	For at least 45 years from the date the record was created
Medication record	Approved provider	Until the end of 3 years after the child's last attendance
Child attendance record	Approved provider	Until the end of 3 years after the last date on which the child was educated and cared for by the service
Child enrolment record	Approved provider	Until the end of 3 years after the child's last attendance
Death of a child while being educated and cared for by the	Approved provider	Until the end of 7 years after the death

Type of Record	Responsibility	Timeframe
service		
Record of service's compliance history	Approved provider	Until the end of 3 years after the approved provider operated the service
For centre-based services, regular transportation of children records	Approved provider Nominated supervisor	Until the end of 3 years after the last date on which the child was educated and cared for by the service
Staff record	Approved provider	Until the end of 3 years after the staff member works for the service
Record of replacement of educator	Approved provider	Until the end of 3 years after the staff member works for the service
Record of replacement of early childhood teacher or suitably qualified person	Approved provider	Until the end of 3 years after the staff member works for the service
Record of access to early childhood teachers or suitably qualified person	Approved provider	Until the end of 3 years after the staff member works for the service
Record of educators working directly with children	Approved provider	Until the end of 3 years after the staff member works for the service
Record of volunteers and students, full name, address and date of birth details, days and hours in attendance, and working with children / vulnerable people check or teacher registration details	Approved provider	Until the end of 3 years after the volunteer or student attended the service
Record of responsible person in day- to-day charge including nominated supervisors placed in day-to-day charge	Approved provider	Until the end of 3 years after the staff member works for the service

ATTACHMENT 2. PRIVACY PRINCIPLES IN ACTION

The Australian Privacy Principles

The APPs are legal obligations under federal Privacy Laws. They apply to every Australian organisation and federal government agency that meets the qualifying criteria below:

- it has an annual turnover of more than \$3 million in any financial year since 2002
- it provides a health service (which is broadly defined) to a person (even if the organisation's primary activity is not providing that health service)
- it trades in personal information (for example, buying or selling a mailing list)
- it is a contracted service provider under a Commonwealth contract (for example, an aged care provider or a disability services provider under a Commonwealth agreement)
- it is a credit reporting body
- it operates a residential tenancy database
- it is a reporting entity for the purposes of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (AML/CTF Act)
- it is an employee association registered or recognised under the Fair Work (Registered Organisations) Act 2009 (Cth)
- it is a business that conducts protection action ballots
- it is a business prescribed by the Privacy Regulation 2013
- it is related to a body corporate (for example, a subsidiary) that meets any of the above criteria (even if your not-for-profit itself does not), or
- it has opted into the Privacy Act (choosing to comply, despite not meeting any of the above criteria)

The Information Privacy Principles

The IPPs are relevant for all Victorian public sector organisations, as well as some private or community sector organisations, where those organisations are carrying out functions under a State contract with a Victorian public sector organisation.

A State contract means a contract between an organisation (e.g. the Department of Education) and a Contracted Service Provider [CSP] (e.g. an Approved Provider) under which services are provided by the CSP for the organisation (e.g. a funded Kindergarten Program).

The Health Privacy Principles

Victoria has specific Health Privacy Laws that provide a higher standard of protection of certain health information. Early Childhood Education and Care services collect, hold and use health information, therefore are required to follow the HPP under the [Health Records Act, 2001](#).

Principles in Action

Organisations need to make sure their policy and procedures are consistent with all the Privacy Laws that apply to their organisation. If you're not sure, you should get legal advice.

The Child Information Sharing Scheme and Family Violence Information Sharing Scheme makes certain modifications to the Information Privacy Principles and the Health Privacy Principles to ensure that the scheme is able to operate as intended.

The table below is a reference tool that identifies how all three legislations can work together and what it may look like in practice.

Australian Privacy Principles	Information Privacy Principles	Health Privacy Principles	Principles in action
APP 1 – Open and transparent management of personal information	IPP 5: Openness	Principle 5 Openness	Denzil Don Kindergarten has an up-to-date <i>Privacy and Confidentiality policy</i> that clearly sets out how we collect, use, disclose and store personal and health information. Stakeholders have access to this policy at any time, upon request.
APP 2 – Anonymity and pseudonymity	IPP 8: Anonymity	Principle 8 Anonymity	Wherever it is lawful and practicable, individuals and parent/carer will have the option of not identifying themselves when entering transactions with Denzil Don Kindergarten. This may include surveys, suggestion boxes, QIP feedback etc.
APP 3 Collection of solicited personal information and APP 4 – Dealing with unsolicited personal information	IPP 1: Collection IPP 10: Sensitive information	Principle 1 Collection	<p>Denzil Don Kindergarten will only collect the personal, sensitive and health information needed, and for which there is a purpose that is legitimate and related to the service’s functions, activities and/or obligations.</p> <p>Personal, sensitive and health information about children and parents/carers either in relation to themselves or a child enrolled at the service, will generally be collected via forms filled out by parents/carers. This can include but not limited to Enrolment Records, Enrolment Registration Forms, Medical Management Plans, Risk Minimisation Plans, Communication Plans, Attendance Records, Staff Records, Visitors Logbook, etc</p> <p>Other information may be collected from job applications, face-to-face interviews and telephone calls. Individuals from whom personal information is collected will be provided with a copy of the service’s <i>Privacy Statement (see Attachment 4)</i>.</p> <p>When Denzil Don Kindergarten receives personal information (<i>see Definitions</i>) from a source other than directly from the individual or the parents/carers of the child concerned, the person receiving the information will notify the individual or the parents/carers of the child to whom the information relates to. Denzil Don Kindergarten will advise that individual of their right to share or not share this information with the source.</p> <p>Sensitive information (<i>see Definitions</i>) will be collected only for the purpose of enabling the service to provide for the education and care of the child attending the service.</p> <p>CISS & FVISS: Information sharing entities are not obliged to collect personal or health information about an individual directly from that person if they are collecting the information from another information sharing entity under the scheme.</p> <p>If an information sharing entity collects personal or health information about a person from another information sharing entity under the scheme, it will not be obliged to take reasonable steps to notify that person that their information has been collected if doing so would be contrary to the promotion of the wellbeing or safety of a child.</p> <p>Information sharing entities will not be obliged to obtain consent from any person before collecting information under the scheme, including ‘sensitive information’ if they are sharing in accordance with the scheme.</p>
APP 5 – Notification of the collection of	IPP 2: Use and disclosure	Principle 2 Use and Disclose	Upon enrolment, commencement of employment, or any other time personal, sensitive or health information is collected, Denzil Don Kindergarten will take reasonable steps to ensure individuals or parent/carer understand why this information is being collected, used, disclosed and stored. Individuals or parent/carer will be informed of the following:

personal information and APP 6 – Use or disclosure of personal information

- Denzil Don Kindergarten contact details
- the facts and circumstances of why personal, sensitive and health information is being collected
- what information is required by authorised law
- the purposes of collection
- the consequences if personal information is not collected
- Denzil Don Kindergarten usual disclosures of personal information; if applicable
- information about the Denzil Don Kindergarten Privacy and Confidentiality Policy

The following table identifies the personal, sensitive and health information that will be collected by Denzil Don Kindergarten, the primary purpose for its collection and some examples of how this information will be used.

Personal, sensitive and health information collected in relation to:	Primary purpose of collection:	Examples of how the service will use personal and health, (including sensitive) information include:
Children and parents/carers	<ul style="list-style-type: none"> • To enable the service to provide for the education and care of the child attending the service 	<ul style="list-style-type: none"> • Day-to-day administration and delivery of service • Provision of a place for their child in the service • Duty rosters • Looking after children’s educational, care and safety needs • For correspondence with parents/carers relating to their child’s attendance • To satisfy the service’s legal obligations and to allow it to discharge its duty of care
The Committee of Management	<ul style="list-style-type: none"> • For the management of the service 	<ul style="list-style-type: none"> • For communication with, and between, the Approved Provider, other Committee employees and members of the association • To satisfy the service’s legal obligations
Job applicants, employees, contractors, volunteers and students	<ul style="list-style-type: none"> • To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students, as the case may be • To administer the employment, contract or placement 	<ul style="list-style-type: none"> • Administering the individual’s employment, contract or placement, as the case may be • Ensuring the health and safety of the individual

			<p>The service may disclose some personal and/or health information held about an individual to:</p> <ul style="list-style-type: none"> • government departments or agencies, as part of its legal and funding obligations • local government authorities, in relation to enrolment details for planning purposes • organisations providing services related to staff entitlements and employment • insurance providers, in relation to specific claims or for obtaining cover • law enforcement agencies • health organisations and/or parent/carer in circumstances where the person requires urgent medical assistance and is incapable of giving permission • anyone to whom the individual authorises the service to disclose information. <p>Sensitive information (<i>see Definitions</i>) will be used and disclosed only for the purpose for which it was collected, unless the individual agrees otherwise, or where the use or disclosure of this sensitive information is allowed by law.</p>
APP 7 – Direct marketing	N/A	N/A	A service must not use or disclose personal information it holds for the purpose of direct marketing.
APP 8 – Cross-broader disclosure of personal information	IPP 9: Transborder data flows	Principle 9 Transborder Data Flows	Denzil Don Kindergarten will only transfer personal or health information outside Victoria in certain circumstances, for example, if the individual consents, or if the recipient of the personal information is subject to a law or binding scheme.
APP 9 – Adoption, use or disclosure of government related identifiers	IPP 7: Unique identifiers	Principle 7 Identifiers	<p>Denzil Don Kindergarten will not adopt, use or disclose a government related identifier unless an exception applies.</p> <p>The service will collect information on the following identifiers (<i>see Definitions</i>) including but not limited to:</p> <ul style="list-style-type: none"> • information required to access the <i>Kindergarten Fee Subsidy</i> for eligible parent/carer (<i>see Fees Policy</i>) • tax file number for all employees, to assist with the deduction and forwarding of tax to the Australian Tax Office – failure to provide this would result in maximum tax being deducted • Medicare number: for medical emergencies
APP 10 – Quality of personal information	IPP 3 - Data quality	Principle 3 Data quality	Denzil Don Kindergarten will take reasonable steps to ensure that the personal and health information it collects is accurate, up-to-date and complete, as outlined in this Privacy and Confidentiality policy. Denzil Don Kindergarten will ensure any updated or new personal and/or health information is promptly added to relevant existing records and will send timely reminders to individuals or parent/carer to update their personal and/or health information to ensure records are up to date at all times. This can include but not limited to emergency contact details, authorised nominees, medical management plans, banking details, working with children checks, VIT registration etc...
APP 11 – Security of personal information	IPP 4 - Data security	Principle 4 Data Security and Data Retention	Denzil Don Kindergarten takes active measures to ensure the security of personal, sensitive and health information it holds, and takes reasonable steps to protect the stored information from misuse, interference and loss, as well as unauthorised access, modification or disclosure (<i>see Privacy and Confidentially policy</i>). Denzil Don Kindergarten will also take reasonable steps to destroy personal and health information and ensure it is de-identified if it no longer needs the information for any purpose as described in <i>Regulations 177, 183, 184</i> . In disposing of personal, sensitive and/or health information, those with

			<p>authorised access to the information will ensure that it is either shredded or destroyed in such a way that the information is no longer accessible.</p> <p>Denzil Don Kindergarten will ensure that, in relation to personal, sensitive and health information:</p> <ul style="list-style-type: none"> • access will be limited to authorised staff, the Approved Provider or other individuals who require this information in order to fulfil their responsibilities and duties • information will not be left in areas that allow unauthorised access to that information • all materials will be physically stored in a secure cabinet • computerised records containing personal or health information will be stored safely and secured with a password • there is security in transmission of the information via email, telephone, mobile phone/text messages, as detailed below: <ul style="list-style-type: none"> ○ emails will only be sent to a person authorised to receive the information ○ telephone – limited and necessary personal information will be provided over the telephone to persons authorised to receive that information • transfer of information interstate and overseas will only occur with the permission of the person concerned or their parents/carers.
<p>APP 12 – Access to personal information and APP 13 – Correction of personal information</p>	<p>IPP 6 - Access and correction</p>	<p>Principle 6 Access and Correction</p>	<p>Individuals or parent/carer have the right to seek access to their own personal information and to make corrections to it if necessary. Upon request Denzil Don Kindergarten will give an individual or parent/carer access to their personal or health information it holds are part of service operations in a timely manner. Denzil Don Kindergarten must be satisfied through identification verification, that a request for personal or health information is granted.</p> <p>Process for considering access requests</p> <p>A person may seek access, to view or update their personal or health information:</p> <ul style="list-style-type: none"> • if it relates to their child, by contacting the Nominated Supervisor • for all other requests, by contacting the Approved Provider/secretary. • Personal information may be accessed in the following way: <ul style="list-style-type: none"> • view and inspect the information • take notes • obtain a copy (scanned or photographed). <p>Individuals requiring access to, or updating of, personal information should nominate the type of access required and specify, if possible, what information is required. The Approved Provider will endeavour to respond to this request within 45 days of receiving the request.</p> <p>The Approved Provider and employees will provide access in line with the privacy legislation. If the requested information cannot be provided, the reasons for denying access will be given in writing to the person requesting the information.</p>

			<p>In accordance with the legislation, the service reserves the right to charge for information provided in order to cover the costs involved in providing that information.</p> <p>The privacy legislation also provides an individual about whom information is held by the service, the right to request the correction of information that is held. The service will respond to the request within 45 days of receiving the request for correction. If the individual is able to establish to the service's satisfaction that the information held is incorrect, the service will endeavour to correct the information.</p> <p>There are some exceptions set out in the Privacy and Data Protection Act 2014, where access may be denied in part or in total. Examples of some exemptions are where:</p> <ul style="list-style-type: none">• the request is frivolous or vexatious• providing access would have an unreasonable impact on the privacy of other individuals• providing access would pose a serious threat to the life or health of any person• the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.
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ATTACHMENT 3. PRIVACY STATEMENT

(sent digitally)

We know your privacy is important.

Denzil Don Kindergarten's *Privacy and Confidentiality Policy* explains how we collect, use, disclose, manage and transfer personal information, including health information. This policy is available on our website (see Policies page).

To ensure ongoing funding and licensing, our service is required to comply with the requirements of privacy legislation. If we need to collect health information, our procedures are subject to the *Health Records Act 2001*.

The Child Information and Family Violence Information Sharing Scheme allows Early Childhood Services to freely request and share relevant information with Information Sharing Entities to support a child or group of children's wellbeing and safety when the threshold test has been met.

Purpose for which information is collected

The reasons for which we generally collect personal information are given in the table below.

Personal information and health information collected in relation to:	Primary purpose for which information will be used:
Children and parent/carer	<ul style="list-style-type: none">To enable us to provide for the education and care of the child attending the serviceTo manage and administer the service as required
The Approved Provider if an individual, or members of the Committee of Management/Board if the Approved Provider is an organisation	<ul style="list-style-type: none">For the management of the serviceTo comply with relevant legislation requirements
Job applicants, employees, contractors, volunteers and students	<ul style="list-style-type: none">To assess and (if necessary) to engage employees, contractors, volunteers or studentsTo administer the individual's employment, contracts or placement of students and volunteers

Please note that under relevant privacy legislation, other uses and disclosures of personal information may be permitted, as set out in that legislation.

Disclosure of personal information, including sensitive and health information

Some personal information, including health information, held about an individual may be disclosed to:

- government departments or agencies, as part of our legal and funding obligations
- local government authorities, for planning purposes
- organisations providing services related to employee entitlements and employment
- insurance providers, in relation to specific claims or for obtaining cover
- law enforcement agencies
- health organisations and/or parent/carer in circumstances where the person requires urgent medical assistance and is incapable of giving permission
- anyone to whom the individual authorises us to disclose information.
- information sharing entities to support a child and a group of children's wellbeing and safety.

Laws that require us to collect specific information

The Education and Care Services National Law Act 2010 and the *Education and Care Services National Regulations 2011*, *Associations Incorporation Reform Act 2012 (Vic)* and employment-related laws and agreements require us to collect specific information about individuals from time-to-time. Failure to provide the required information could affect:

-
- a child's enrolment at the service
 - a person's employment with the service
 - the ability to function as an incorporated association.

Access to information

Individuals about whom we hold personal, sensitive or health information can gain access to this information in accordance with applicable legislation. The procedure for doing this is set out in our *Privacy and Confidentiality Policy*, which is available on request.

For information on the *Privacy and Confidentiality Policy*, please see the copy available at the service or contact the Centre Coordinator.

ATTACHMENT 4. SHARING INFORMATION UNDER CISS AND FVSS

Applying the threshold test under CISS

Before sharing information with other Information Sharing Entities (ISE)'s the threshold test requirements must be met.

The requirements for sharing are different depending on the purpose of the sharing, if sharing for both purposes (Child Wellbeing or Safety and/or Family Violence), you must meet the requirements of each of the schemes.

Although child wellbeing and safety takes precedence over an individual's privacy, privacy must still be protected through careful and selective information sharing.

Threshold requirements for the Child Information Sharing Scheme:

1	The information sharing entity is requesting or disclosing confidential information about any person for the purpose of promoting the wellbeing or safety of a child or group of children; and
2	The disclosing information sharing entity reasonably believes that sharing the confidential information may assist the receiving information sharing entity to carry out one or more of the following activities: <ul style="list-style-type: none">• make a decision, an assessment or a plan relating to a child or group of children• initiate or conduct an investigation relating to a child or group of children• provide a service relating to a child or group of children• manage any risk to a child or group of children; and
3	The information being disclosed or requested is not known to be 'excluded information' under Part 6A of the Child Wellbeing and Safety Act (and is not restricted from sharing by another law), information that could: <ul style="list-style-type: none">• endanger a person's life or result in physical injury• prejudice a police investigation or interfere with the enforcement or administration of the law; prejudice a coronial inquest; prejudice a fair trial of a person• be legally privileged• reveal a confidential police source• contravene a court order• be contrary to the public interest• information sharing would contravene another law.

Before disclosing information under the Child Information Sharing Scheme and/or Family Violence Information Sharing Scheme, it is important that information sharing entities take reasonable care to verify the identity of the professional or service and ensure that they are an information sharing entity.

Making a request to another Information Sharing Entity

- The ISE list is a searchable database that can be used to identify organisations and services prescribed under the CISS and FIVSS
- Before making a request, check to see if the organisation is a prescribed entity via the [Access the ISE list](#)
- See [Information Sharing Entity List Uses Guide](#) on how to navigate the database.
- ISE's should respond to requests for information in a timely manner, including when they are declining to provide information in response to the request.
- If an ISE is declining a request from another ISE, they are required to provide written reasons for doing so.

Making a request or receiving a request under the Child Information Sharing Scheme

An ISE may request information when it meets the first and third parts of the threshold. That is, the information being requested is:

- to promote the wellbeing or safety of a child or group of children
- not excluded information under the Child Information Sharing Scheme to their knowledge.

ISE should use professional judgement to decide which organisation or service to request information from, taking into account the following:

- the activity the requesting information sharing entity is seeking to undertake and the type of information that may assist them
- the roles and responsibilities of other information sharing entities and the information they are likely to hold
- the currency and relevance of the information other information sharing entities are likely to hold.

The ISE requesting the information should provide sufficient detail to enable the responding ISE to make a decision about whether all three parts of the threshold have been met, in order to assist them to:

- identify relevant information to respond to the request
- form an opinion about whether the information may be disclosed under the CISS (whether the disclosure meets the threshold).

When making a request, an ISE may disclose any confidential information that may assist the responding ISE to:

- identify the information they hold that is relevant to the request
- form an opinion on whether the information may be disclosed under the scheme.

If the legal requirements (or threshold) of the scheme are met, an ISE:

- **may** make requests for information to another ISE
- **must** disclose relevant information to another ISE, if requested
- **may** disclose information voluntarily (proactively) to other ISE's

ISE's will use their expertise and exercise their professional judgement to identify:

- the range of needs and risks that impact on a child's life to inform a decision as to whether the threshold is met
- what and how much information to share
- who to share with to support improved service delivery and promote the wellbeing or safety of the child or children.

Making a request or receiving a request under the Family Violence Information Sharing Scheme

Under Part 5A of the [Family Violence Protection Act 2008](#) (FVPA), ISEs may request or share information with other ISEs about a person that is relevant to assessing or managing a family violence risk. The information may relate to a victim survivor (adult or child), alleged perpetrator/perpetrator or third party.

Only information that is **relevant** to assessing or managing a risk of family violence can be shared under the Scheme. In determining what information is relevant, practitioners should use their professional judgement and see the [Family Violence Support Policy](#).

Where an ISE receives a request, it **must** share that information, either verbally or in writing, provided that the information meets the requirements of the Scheme. The onus is on the ISE sharing information to ensure that they are disclosing information about a person in accordance with the law. There is no restriction on an ISE making a request.

If there is no existing relationship with the ISE the information is being requested from, verification may need to take place (e.g. by sending an email with the entity's official account).

There are **two purposes** for which ISEs can share information with each other under the FVPA, Part 5A:

- a) to establish and assess risk (Family violence assessment purpose), information can be shared for a family violence assessment purpose. The primary focus is on establishing whether a risk of family violence is present, assessing the level of risk the alleged perpetrator or perpetrator poses to the victim survivor, and correctly identifying the parties as the perpetrator or victim survivor.

OR

- b) to manage the risk, including through ongoing risk assessment (Family violence protection purpose) information can be shared for a family violence protection purpose, which means managing the risk of the perpetrator committing family violence, or the risk of the victim survivor being subjected to family violence. Managing risk involves removing, reducing or preventing the escalation of risk. As risk is dynamic and can change over time, information can be shared for the purposes of ongoing risk assessment to monitor risk and escalation, as a key component of risk management.

All ISEs will be able to share information for a family violence protection purpose. ISEs that are also prescribed as risk assessment entities (RAEs) will also be able to share for a family violence assessment purpose

Consent is not required from any person to share information that is relevant to assessing or managing family violence risk to a child, if there is a serious risk to any person or if sharing is permitted by another law. If none of the above apply, consent is required to share the information of an adult victim survivor, including a student over 18 years of age, or a third party. You should seek and consider the views of the child and/or family member before sharing their information, whenever safe, reasonable and appropriate to do so. Consent is never required to share information about a perpetrator, alleged perpetrator or adolescent using or at risk of using family violence.

ISEs must not share excluded information. ISEs cannot share information that would contravene another law that has not been specifically overridden by FVISS. ISEs cannot share information if the applicable consent requirements have not been met.

To learn more about how to share information under the *Family Violence Information Sharing Scheme*, visit www.vic.gov.au/family-violence-information-sharing-scheme

Table 1

Information Sharing Entities that are also Risk Assessment Entities	
<ul style="list-style-type: none"> ▪ State-funded specialist family violence services (including refuges, Men’s Behaviour Change Programs, family violence counselling and therapeutic programs) ▪ Risk Assessment and Management Panel (RAMP) members (including those services that would not otherwise be prescribed but only when participating in a RAMP) ▪ State-funded sexual assault services 	<ul style="list-style-type: none"> ▪ Child Protection ▪ Child FIRST services (excluding broader family services) ▪ Victims Support Agency (including Victim Assistance Programs and Victims of Crime Helpline) ▪ Victoria Police ▪ The Orange Door services.
Information Sharing Entities	
<ul style="list-style-type: none"> ▪ Magistrates’ Court of Victoria officials ▪ Children’s Court of Victoria officials ▪ Corrections Victoria and Corrections-funded services ▪ Adult Parole Board ▪ Youth Justice (including the Secretariat to the Youth Parole Board) and Youth Justice funded services ▪ Multi-Agency Panels to Prevent Youth Offending ▪ Justice Health and funded services ▪ State-funded sexually abusive behaviour treatment services ▪ State-funded perpetrator intervention trials ▪ Registered community-based child and family services 	<ul style="list-style-type: none"> ▪ Maternal and Child Health ▪ Registered out of home care services ▪ Department of Parent/carer, Fairness and Housing ▪ State-funded homelessness accommodation or homelessness support services providing access point, outreach or accommodation services ▪ Designated mental health services ▪ State-funded alcohol and other drug services ▪ Tenancy Advice and Advocacy Program ▪ State-funded financial counselling services ▪ Commission for Children and Young People ▪ Disability Services Commissioner.

Record keeping

ISEs have specific record keeping obligations under the FVISS and the CISS. ISEs can choose how they will meet their record keeping obligations, which might include written or online case notes, specific record keeping forms or IT solutions, and are in line with the [Privacy and Data Protection Act 2014 \(Vic\)](#) and, where applicable, the Australia Privacy Principles obligations.

When an ISE receives a request to share information they must record:

- the ISE that requested the information
- the date of the request
- the information that was requested
- if refusing a request, the request and the reason why it was refused.

When an ISE shares information (either proactively or on request) they should:

- know and record what scheme they are sharing under (FVISS, CISS or both)
- know and record whom information is being shared about
- record how the threshold for sharing was met.
- relevant risk assessments or safety plans that have been prepared for a person at risk of family violence.

Documentation is also required if sharing about:

- adult victim survivors of family violence or third parties under FVISS (where a child is at risk)
- a child’s parent under CISS
- child victim survivors of family violence
- any child in order to promote their wellbeing or safety.
- whether their views were sought about sharing their information
- if their views were not sought, record the reason why
- if they were informed that their information was shared
- whether information was shared with consent and whether the consent was written, verbal or implied
- if the information was shared without consent, record the reason why
- if the information was shared without consent, record if the person was informed that their information was shared without consent

Examples of record keeping forms can be found at: www.vic.gov.au/guides-templates-tools-for-information-sharing

Handling information sharing and risk assessment complaints under the CISS and FVISS

Types of complaints

ISEs may receive complaints from:

1. Individuals in relation to privacy breaches, for example the ISE has:
 - misidentified an adult victim survivor as a perpetrator and shared information about them without consent
 - shared information that is not relevant to the purpose for which it was shared.
2. Individuals in relation to any other conduct under the Schemes, for example the ISE has:
 - not sought the views of a child and/or relevant family member and the complainant believes it was reasonable, safe and appropriate to do so
 - in the view of the complainant, failed to foster positive relationships between a child and significant people in the child's life, in the way they applied the Schemes.
3. Other ISEs in relation to how the ISE is sharing information under the Schemes. For example, an ISE may make a complaint about:
 - another ISE refusing to share relevant information that should be shared
 - the timeliness of responses.

Complaints record keeping

The following information must be recorded if a complaint is received under the Schemes:

- date the complaint was made and received
- nature of the complaint
- action taken to resolve the complaint
- action taken to lessen or prevent the issue from recurring
- time taken to resolve the complaint
- if the complaint was not resolved, further action that was taken

Note: accepted standard practice is that a response should be provided within 30 days of receiving the complaint. All complaints must be handling according to the [Privacy and Data Protection Act 2014 \(Vic\)](#) and, where applicable, the Australia Privacy Principles