

# QECNT POLICY

## AUSTRALIAN PRIVACY PRINCIPLES PRIVACY POLICY

Effective Date: August 2018

Review Date: August 2021

Target Audience: QECNT Staff/Parents/Providers and Services

DOE File: EC2018/174

EDOC2018/61086

Version Number: 1.0

### 1. INTRODUCTION

Quality Education and Care Northern Territory (QECNT) is committed to protecting personal information in accordance with its obligations under the [Privacy Act 1988](#) (the Privacy Act) and the [Australian Privacy Principles](#) (APP) contained within Schedule 1 of the Privacy Act.

To comply with APP 1.3, QECNT must have a clearly expressed and up to date privacy policy describing how it collects, uses and manages personal information. This policy outlines how QECNT complies with these obligations.

### 2. BUSINESS NEED

The [Education and Care Services National Law](#) (National Law), as enacted in all states and territories, establishes a national system to regulate education and care services for children. QECNT is the Northern Territory Regulatory Authority under the National Law.

Section 263 of the National Law applies the Privacy Act to QECNT as a regulatory authority responsible for the administration of the National Quality Framework.

### 3. POLICY

#### 3.1 What is personal information?

In this policy, “personal information” has the same meaning as defined in the Privacy Act:

*Information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

*(a) whether the information or opinion is true or not; and*

*(b) whether the information or opinion is recorded in a material form or not.*

Personal information can only be information about a ‘natural’ person. It does not extend to other ‘legal’ persons, such as companies or businesses.

Examples of personal information that QECNT may collect through its administration of the National Quality Framework include: a person’s name and address; a photograph; details of a person’s educational qualifications; or an email address. QECNT may also collect sensitive personal information from time to time including criminal records and health information.

### 3.2 Collecting of personal information

QECNT only collects personal information for purposes which directly relate to its functions or activities, and only when it is necessary for, or directly related to, those purposes. These purposes include:

- administering the National Quality Framework
- assessing and rating approved education and care services against the National Quality Standard and the Education and Care Services National Regulations
- monitoring and enforcing compliance with the National Law
- receiving and investigating complaints arising under the National Law
- educating and informing education and care services and the community about the National Quality Framework
- seeking feedback on QECNT's functions and activities to improve services
- reporting to the national authority on the administration of the National Quality Framework
- selecting, recruiting and engaging staff, consultants and contractors.

QECNT collects personal information both directly from individuals, and indirectly through documents and information provided to QECNT by an individual or organisation. Where personal information is obtained indirectly, and if there is a need for that information to be disclosed, QECNT will take reasonable steps to obtain the consent of the individuals concerned, unless there is a permitted general situation to not seek consent in line with section 16A of the Privacy Act.

### 3.3 Use and disclosure

QECNT will only use personal information for the purposes for which it was collected, or for a purpose directly related to one of QECNT's functions or activities under the National Law.

QECNT will not use or disclose personal information to government agencies, organisations or anyone else unless one of the following applies:

- the individual has consented
- the individual would reasonably expect, or has been told, that information of that kind is usually disclosed to that agency, organisation or person
- it is otherwise required or authorised by law
- it will prevent or lessen a serious and/or imminent threat to a person's life or health
- it is reasonably necessary for the enforcement of the criminal law, a law imposing a monetary penalty or for the protection of public revenue.

### 3.4 Data quality and security

QECNT takes reasonable steps to ensure that personal information collected is accurate, up to date and complete. These steps include updating records of personal information when advised by an individual that there has been a change to their personal information.

QECNT also takes reasonable administrative, technical and physical measures to protect information it holds against loss, theft and unauthorised access, use, disclosure or modification.

Personal information that is no longer required is deleted or destroyed in a secure manner in accordance with the disposal schedule at Appendix A.

### 3.5 How QECNT manages a data breach

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure.

In the event of a suspected data breach, QECNT will meet its obligations under the *Privacy Amendment (Notifiable Data Breaches) Act 2017*. The matter will be investigated to determine:

- the nature of the breach
- the number of people affected
- the extent to which an individual or group may be, or have been, harmed by the breach
- remedial action to minimise or prevent consequences.

If it is determined that a data breach is likely to result in serious harm, QECNT will notify the individuals whose personal information has been breached and the National Education and Care Services Privacy Commissioner.

QECNT will also investigate the cause of any breach and implement actions that will prevent any future occurrences.

### 3.6 Access and correction

If an individual requests to either access or amend their personal information, QECNT will facilitate this in an efficient and timely manner. QECNT will ensure that:

- acknowledgement of the receipt of the request is provided to the individual within five working days
- key timeframes for processing the request are established and communicated clearly to the individual
- adequate communication about the status of more complex requests is maintained with the individual.

In certain circumstances QECNT may withhold information under the *Privacy Act*, *Freedom of Information Act 1982* or other relevant law. If QECNT does not agree to provide access to personal information, the individual may seek a review of the decision or an appeal under the *Freedom of Information Act 1982*. Further information regarding freedom of information may be requested from the Freedom of Information and Privacy Officer as follows:

By email: [detfoi.det@nt.gov.au](mailto:detfoi.det@nt.gov.au)

By mail: Freedom of Information and Privacy Officer  
GPO Box 4821  
DARWIN NT 0801

By telephone: (08) 8901 4907

If QECNT does not agree to make requested amendments to personal information, the individual may submit a statement about the requested amendments that will be attached to the record.

### 3.7 Anonymity and pseudonyms

There are limited situations where an individual may choose to remain anonymous or use a pseudonym when dealing with QECNT. The most common situation where anonymity or use of a pseudonym is possible is where an individual makes a complaint about a service or provider or reports a possible contravention of the National Law.

### 3.8 QECNT webpage

QECNT provides information to the public through a webpage on the Department of Education's website.

Information regarding privacy and how personal information is collected and used when individuals access the department's website is available at <https://nt.gov.au/copyright-disclaimer-and-privacy>.

## 4. PRIVACY CONCERNS, COMPLAINTS, ACCESS OR CHANGES TO PERSONAL INFORMATION

Should an individual wish to access or change their personal information, report any concerns about how QECNT has handled their personal information or believe there has been a breach of the Australian Privacy Principles, they may contact QECNT as follows:

By email: [qualityecnt.det@nt.gov.au](mailto:qualityecnt.det@nt.gov.au)

By mail: Quality Education and Care NT  
GPO Box 4821  
DARWIN NT 0801

By telephone: (08) 8999 3561

QECNT will take all reasonable steps to resolve any concerns raised. Should an individual be unsatisfied with the response provided, they may refer their complaint directly to the National Education and Care Services Privacy Commissioner as follows:

By email: [enquiry@necsopic.edu.au](mailto:enquiry@necsopic.edu.au)

By mail: NECS Privacy Commissioner  
PO Box 202  
CARLTON SOUTH VIC 3053

By telephone: (03) 9654 1077

## 5. RELATED POLICY, LEGISLATION AND DOCUMENTS

[Australian Privacy Principles](#)

[Education and Care Services National Law](#)

[Education and Care Services National Regulations](#)

[Freedom of Information Act 1982](#)

[Privacy Act 1988](#)

[Privacy Amendment \(Notifiable Data Breaches\) Act](#)

## 6. ACKNOWLEDGEMENTS

[Australian Privacy Principles \(APP\) Privacy Policy](#) (June 2014) Australian Children's Education and Care Quality Authority (ACECQA)

[Guide to developing an APP privacy policy](#) (May 2014) Office of the Australian Information Commissioner

[Privacy fact sheet 17: Australian Privacy Principles](#) Office of the Australian Information Commissioner

Disposal Schedule

Disposal Schedule	Type of Record
Seven years from creation	<p>Records documenting the authorisation of authorised officers as required under the <i>Privacy Act 1988</i>.</p> <p>Personal information may include: name; date of birth; postal address; email address; photograph; returned identity cards; and criminal history check.</p>
Ten years from creation	<p>Records documenting the assessment and rating of services under the National Quality Standard.</p> <p>Personal information may include; photographs, copies of quality improvement plans, applications for reassessment, related correspondence and other related documentation.</p>
Ten years from creation	<p>Records documenting investigations undertaken by other agencies into complaints in relation to early childhood education and care services.</p> <p>Personal information may include: witness statements; allegations against an individual; extracts of documents; photographs; medical records; and other supporting documents.</p>
30 years from creation	<p>Records documenting compliance and monitoring activities such as preschools and early childhood services.</p> <p>Personal information may include: staff probity checks; evidence of qualifications; Working with Children Clearance Notices; children’s attendance records; parental authorisations; incidental accident notifications; child medical management plans; and photographs.</p>
Permanent	<p>Records documenting investigations into reports or complaints in relation to early childhood education and care services such as where a child has sustained serious injury at a child care facility.</p> <p>Personal information may include: witness statements; allegations against an individual; extracts of documents; photographs; medical records; and other supporting documents.</p>