



PRIVACY AND CONFIDENTIALITY POLICY



Our Privacy Commitment

Niño Early Learning Adventures (Niño ELA) respects the privacy of children, families, employees, applicants, contractors, and others who interact with us. Niño ELA is committed to protecting the privacy and confidentiality of personal information and managing information in accordance with applicable privacy laws and regulatory requirements. We may review and update this Privacy Policy from time to time to reflect changes in legislation, technology, industry practices, or our operations.

This Privacy Policy explains how we collect, use, disclose, store, protect, and otherwise manage personal information. We are committed to handling personal information in accordance with applicable privacy and data protection laws, including the Privacy and Data Protection Act 2014 (Vic), the Privacy Act 1988 (Cth), and the Australian Privacy Principles (APPs).

Collection of Personal Information

Niño ELA collects personal information where it is reasonably necessary to provide education and care services, comply with legal and regulatory obligations, protect the health, safety and wellbeing of children and others, manage employment relationships, and support our business operations.

We collect personal information from children, parents and guardians, employees, contractors, volunteers, job applicants, visitors, and other individuals connected with our services.

What personal information do we collect?

The types of personal information we may collect and hold include information about:

- children and their parents, guardians or authorised nominees;
- prospective, current and former employees;
- job applicants, volunteers, students and contractors;
- visitors to our services and websites; and
- other individuals who interact with Niño ELA.

The information collected will depend on our relationship with you and the purpose for which the information is required.

Children and Parents/Guardians

Our primary purpose for collecting information about children and families is to provide education and care services and to meet our obligations under applicable legislation.

Information collected about children may include:

- enrolment information;
- attendance records;
- educational and developmental information;
- observations and learning documentation;
- information about languages spoken by the child and in the child's home;
- dietary requirements;
- sleep and routine information;
- medical and health information;
- incident, illness, injury and medication records;
- support plans and specialist reports; and
- photographs, videos and other digital learning records.



PRIVACY AND CONFIDENTIALITY POLICY



Information collected about parents and guardians may include:

- contact details;
- relationship to the child;
- financial information;
- employment details;
- Drivers Licence with identification number;
- Date of birth;
- Child Care Subsidy information;
- Medicare information;
- emergency contact details;
- guardianship information;
- court orders; and
- parenting or custody arrangements.

The purposes for which we use personal information of children and parents/guardians includes:

- To keep parents/guardians informed about matters related to their child's care, through correspondence, newsletters and magazines;
- Day-to-day administration;
- Looking after a child's educational, social and medical wellbeing;
- To satisfy our legal obligations and allow us to discharge our duty of care.

In some cases where we request personal information about a child or parent/guardian, if the information requested is not obtained, we may not be able to enrol or continue the enrolment of the child.

Employees, Job Applicants, and Contractors

We may collect information required to assess, recruit and manage employees, applicants and contractors. This may include contact details, employment history, qualifications, references, professional registrations, screening and background-check information, payroll and banking information, emergency contacts, and information required to meet employment, workplace, insurance and legal obligations.

We use Martian Logic to manage applications for employment. Information provided by unsuccessful applicants may be retained in accordance with our recruitment practices and applicable legal and record-keeping requirements.

How do we collect personal information?

We generally collect personal information directly from individuals through:

- enrolment and registration forms;
- website enquiry and tour request forms;
- emails, telephone calls and other correspondence;
- face-to-face meetings, interviews and conversations;
- employment and recruitment processes;
- our education and care services;
- authorised third-party systems and service providers; and
- other interactions with Niño ELA.



PRIVACY AND CONFIDENTIALITY POLICY



In some circumstances, we may collect information from another person or organisation, where permitted by law. This may include another education and care provider, recruiter, reference provider, medical or allied health professional, government department or another person authorised to provide the information.

Our website may collect technical information through cookies, analytics and similar technologies to operate. This may include an internet protocol address, browser and device information, pages visited referral sources, session activity and interactions with website forms. We use this information to operate, secure, maintain and improve our website, understand how it is used, and respond to enquiries.

Personal information provided by other people

In some circumstances we may be provided with personal information about an individual from a third party, for example, an employee reference from another childcare centre or recruiter or a report provided by a medical professional.

How do we use personal information?

We collect, hold, use and disclose personal information for purposes including:

- providing education and care to children;
- supporting children's educational, developmental, social, health and wellbeing needs;
- communicating with families about their child's care, learning and experiences;
- administering enrolment, attendance and day-to-day operations;
- meeting Child Care Subsidy and other government requirements;
- responding to enquiries and requests for information or tours;
- recruiting and managing employees and contractors;
- meeting employment, insurance, legal, regulatory and record-keeping obligations;
- managing our services, systems and business operations;
- maintaining appropriate safety, security and child protection arrangements; and
- other purposes that are reasonably expected or permitted by law.

Where we rely on consent, we will seek it where required and explain how it may be withdrawn. Withdrawal applies to future handling based on that consent. It does not affect any use or disclosure that occurred before withdrawal or prevent us from continuing to handle information where required or authorised by law.

If the information required for Niño ELA to meet its legal, regulatory, child safety, and operational obligations is not provided, Niño ELA reserves the right to refuse, suspend, or cease engagement with the individual, organisation, or arrangement.

Use of devices

Images and videos of children must only be captured, stored and shared using authorised Niño ELA devices and systems.

Employees, contractors, students and volunteers must not use personal devices to photograph, film, store, transfer or publish images of children unless expressly authorised by management and consistent with applicable law and Niño ELA procedures.



PRIVACY AND CONFIDENTIALITY POLICY



Photos, Videos and Digital Technology

Photographs, videos and other digital records of children may be collected, created and used by Niño ELA for educational programming, learning and developmental documentation, communication with families, service administration, compliance requirements and record-keeping purposes.

Photographs, videos and digital learning records are stored within authorised Niño ELA systems, applications and record-management platforms that incorporate appropriate security controls. Access to children's images, videos and digital records is restricted to authorised personnel, approved service providers supporting Niño ELA operations, and approved family members through secure systems with appropriate access controls.

Images and videos of children must only be captured, stored, accessed and shared through authorised Niño ELA systems and devices, unless an approved exception applies.

Personal devices must not be used to photograph, film, store or transmit images or videos of children while providing education and care services unless expressly authorised, consistent with applicable legislation and in accordance with Niño ELA policies and procedures.

Where required, Niño ELA will seek parent/guardian consent before using or disclosing children's images or videos for promotional, marketing or public communication purposes, including publication on websites, social media channels or printed materials.

Consent

Informed and explicit parent/guardian consent will be obtained before:

- publishing children's images on websites;
- sharing children's images through social media platforms;
- including children's images in marketing or promotional material;
- using images in advertising campaigns; or
- disclosing images outside ordinary service operations.

Consent arrangements will be documented and maintained as part of the child's enrolment records.

Withdrawal of consent

Parents/guardians may withdraw consent for future use or disclosure of a child's image or video at any time. Upon receiving a withdrawal request, Niño ELA will take reasonable steps to cease future use or disclosure, subject to legal, regulatory, archival, record-keeping and legitimate operational requirements. Withdrawal may not affect a prior authorised publication that cannot reasonably be removed.

Disclosure of personal information

We may disclose personal information where appropriate and permitted by law to:

- parents/guardians and authorised nominees;
- other education and care or educational providers;
- schools and educational institutions;
- government agencies and regulatory authorities;
- Child Care Subsidy administrators;
- medical, health and allied health professionals;
- child protection and emergency services;



PRIVACY AND CONFIDENTIALITY POLICY



- payroll, recruitment and payment providers;
- specialist visiting teachers and other service providers;
- insurers and professional legal advisers;
- technology, software, cloud storage and other service providers that support our operations;
- people or organisations authorised by the individual; and
- other parties where disclosure is required or authorised by law.

We only disclose personal information where there is a legitimate purpose and where permitted or required by applicable law.

Third-Party Systems and Cloud-Based Services

Niño ELA uses a range of third-party systems and providers to support its services and operations.

These providers may include:

- childcare management systems;
- communication platforms;
- learning documentation platforms;
- cloud storage providers;
- payment processors;
- payroll and HR systems;
- recruitment platforms;
- IT support providers; and
- business management systems.

Personal information may be stored, processed, backed up, or otherwise managed through these systems. Some of Niño ELA's technology and service providers may store or process personal information overseas as part of their data hosting and service delivery arrangements. Where personal information is disclosed to overseas providers, Niño ELA will take reasonable steps to ensure that the information is protected to a standard comparable to applicable Australian privacy laws.

We also take reasonable measures to ensure that third-party providers handling personal information on our behalf maintain appropriate privacy, confidentiality, and information security safeguards.

Direct marketing

Where permitted by law, Niño ELA may send information about its services, events and programs.

If you consent, or where you would reasonably expect us to, we may send you information related to our education and care services. We will provide you with a simple means by which you may request not to receive direct marketing communications and will not send you materials if you have asked us not to.

Sensitive information

Sensitive information is personal information that is afforded additional protection under privacy laws. It may include information relating to a person's:

- health or medical condition;
- disabilities or additional support needs;
- racial or ethnic origin;
- religious beliefs or affiliations;
- criminal record; and
- other categories of information recognised as sensitive information under applicable law.



PRIVACY AND CONFIDENTIALITY POLICY



To support the safe and appropriate care, education and wellbeing of children, Niño ELA may collect sensitive information where reasonably necessary for the provision of education and care services. This may include:

- medical history;
- allergies and anaphylaxis information;
- medication requirements;
- immunisation records;
- disabilities or additional support needs;
- medical management plans;
- incident, injury, trauma and illness records; and
- information from treating medical, allied health or other relevant professionals.

Niño ELA will only collect, use, store and disclose sensitive information where:

- it is reasonably necessary for our functions, activities and the provision of education and care services;
- the individual, parent/guardian has provided consent where required;
- the collection, use, storage or disclosure is authorised or required by law; or
- it is otherwise permitted under applicable privacy legislation.

Sensitive information will be handled with a higher level of care and confidentiality, and access will be limited to authorised persons who require the information to carry out their duties or meet legal and regulatory obligations.

How we protect personal information

Niño ELA takes reasonable steps to protect personal information from misuse, interference, loss, unauthorised access, modification or disclosure. Depending on the nature of the information, these measures may include:

- secure storage of paper records;
- secure physical and electronic storage;
- restricted access to personal information based on role and responsibility;
- password protection and multi-factor authentication;
- encryption and secure data transmission where appropriate;
- staff training, confidentiality obligations, and access controls;
- monitoring and management of information security risks;
- authorised devices and systems;
- cybersecurity monitoring and controls;
- secure disposal arrangements; and
- privacy and security requirements for third-party providers.

We regularly review our systems, processes and security measures to support the ongoing protection of personal information.

Access and correction of information

Individuals may request access to personal information held by Niño ELA and may request corrections if information is inaccurate, incomplete or out of date.

We will respond to requests within a reasonable timeframe and in accordance with applicable law.

Access may be limited or refused where permitted by law, including where access may:

- impact another person's privacy or safety;
- breach confidentiality obligations;
- conflict with child protection concerns;
- conflict with a court order;
- conflict with parenting or custody arrangements; or
- otherwise, be restricted by law.



PRIVACY AND CONFIDENTIALITY POLICY



Children's records and parental access

Parents/guardians may generally request access to information held about their child.

Before granting access, Niño ELA may require evidence of parental responsibility, guardianship or lawful authority.

Access may be restricted where necessary to:

- comply with court orders;
- comply with parenting arrangements;
- protect a child or another person's safety;
- protect another individual's privacy rights;
- support child protection obligations; or
- comply with legislation.

Where competing claims of parental authority arise, Niño ELA may seek additional documentation before granting access.

Retention and secure disposal

Niño ELA retains personal information only for as long as required to:

- meet legal and regulatory obligations;
- comply with funding requirements;
- manage operational needs; and
- satisfy applicable record-keeping requirements.

Education and care records will be retained for the periods required by applicable legislation and regulatory frameworks, including the *Education and Care Services National Regulations*. The retention and secure disposal of records will be managed in accordance with legislative requirements, Niño ELA's approved retention schedules, and operational needs.

Confidentiality obligations

Employees, students, volunteers, contractors and consultants must:

- maintain the confidentiality of all personal and sensitive information obtained through their employment or engagement with Niño ELA;
- report any actual or suspected privacy breach, confidentiality breach, unauthorised disclosure or inappropriate access to personal information;
- only access information required to perform their duties;
- not discuss confidential information in public areas or with unauthorised persons;
- not remove confidential information from authorised systems except where required for legitimate work purposes; and
- continue to maintain confidentiality after their employment or engagement ends.

Privacy complaints, concerns and data breaches

If you have a concern about how Niño ELA has collected, used, disclosed, stored or otherwise handled your personal information, please contact Head Office on 03 9421 6755.

Niño ELA will take reasonable steps to:

- acknowledge and assess privacy complaints and concerns;
- seek additional information where required to investigate the matter;
- respond to privacy complaints within a reasonable timeframe;
- advise individuals of the outcome of the complaint or investigation;
- assess and contain any actual or suspected privacy incident or data breach;
- take reasonable steps to minimise potential harm;
- implement corrective actions and remediate identified issues; and



PRIVACY AND CONFIDENTIALITY POLICY



- take steps to prevent or reduce the likelihood of recurrence;
- notify affected individuals and relevant regulatory authorities where required by applicable privacy laws, including the Notifiable Data Breaches scheme;
- If you are not satisfied with our response, you may have the right to lodge a complaint with the Office of the Australian Information Commissioner (OAIC) or another relevant regulator.

Privacy incidents and data breaches

If personal information is lost, accessed, disclosed, altered or used without authorisation, Niño ELA will take reasonable steps to:

- identify and contain the incident;
- investigate the circumstances;
- minimise potential harm;
- remediate any vulnerabilities;
- prevent recurrence; and
- maintain records of the incident and response.

Reporting privacy incidents and data breaches

All employees, contractors, students, volunteers and service providers have a responsibility to protect the privacy and confidentiality of children, families and colleagues. Any actual or suspected breach of privacy, confidentiality, unauthorised access, disclosure, loss, misuse or inappropriate handling of personal information must be reported immediately.

Privacy breach reporting procedure

- Immediately notify the Centre Manager or Nominated Supervisor of the suspected breach.
- Where the breach involves digital systems, devices, email, cloud storage, cybersecurity concerns or unauthorised access to electronic records, the matter must also be reported to Senior Management.
- Take reasonable steps to contain and minimise the impact of the breach where safe and appropriate to do so.
- Cooperate with any investigation undertaken by Niño ELA management.
- Maintain confidentiality throughout the investigation and response process.
- Record all relevant details, including:
 - the date and time of the incident;
 - the nature of the breach;
 - the information involved;
 - the individuals affected;
 - any actions already taken to contain the breach; and
 - any witnesses or other relevant information.

Management responsibilities

Upon receiving a report of a suspected privacy or confidentiality breach, Niño ELA will:

- assess and investigate the incident;
- take steps to contain the breach and prevent further unauthorised access, use or disclosure;
- determine whether any individuals may be affected;
- implement corrective actions and system improvements where required;
- maintain records of the incident, investigation and outcomes;
- notify affected individuals where required by law; and
- notify relevant regulatory authorities where required, including under applicable privacy and data breach reporting obligations.



PRIVACY AND CONFIDENTIALITY POLICY



External complaints and reporting

Individuals who are not satisfied with the outcome of a privacy complaint or who wish to seek further information regarding privacy rights may contact the Office of the Australian Information Commissioner (OAIC) via:

- Website: <https://www.oaic.gov.au/>
- Phone: 1300 363 992

The OAIC provides guidance regarding privacy rights, privacy complaints and the Notifiable Data Breaches Scheme.

Sourced: <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Privacy Act 1988 (Cth)</i> <i>Australian Privacy Principles (APPs)</i> <i>Education and Care Services National Law Act 2010</i> <i>Education and Care Services National Regulations 2011</i> <i>Office of the Australian Information Commissioner (OAIC) Guidance Materials</i> Policy Development Date: 27/06/16

This policy will be reviewed at least annually.

Family and educators feedback will be considered in the review process. Changes in legislation, regulations, QIAS and standards will be considered.

Any changes to this policy will be communicated to families and educators verbally and in writing (Notice Boards and Newsletters and Email)

Media and Artificial Intelligence (AI) Use Disclaimer

At Niño ELA, we are committed to upholding the highest standards of privacy, dignity, and ethical media use.

By consenting to the use of photographs, videos, or other media content, you acknowledge the following:

- Niño ELA takes all reasonable steps to ensure media is used responsibly and respectfully within our services and community.
- Once media is shared online (including by families on personal or public social platforms), Niño ELA cannot control or restrict how that content may be used, copied, or redistributed by others.
- Emerging technologies, such as generative AI, may access and repurpose publicly available content in ways outside of our oversight. This may include manipulation, replication, or inclusion in AI training datasets.
- While Niño ELA does not endorse or intentionally facilitate these uses, the digital nature of media means we cannot guarantee complete control once material is published or shared online.
- We encourage families to carefully consider the implications of sharing media content of their children across digital platforms.

Links for External Digital Systems Data Storage & Privacy Policies

To ensure our services run effectively, Niño ELA utilises selected external digital systems. In alignment with our IT Policy, we request updated Privacy and Data Storage processes from these providers annually, to confirm ongoing safety and compliance within our cyber security framework.



PRIVACY AND CONFIDENTIALITY POLICY



For transparency, links to each provider's policies on data storage, privacy, and cyber security are provided below.

XAP - Privacy Policy [here](#)

QIKKIDS/Xplor - [Privacy Notice - Xplor Technologies](#) | [Cyber Security for Early Childhood Education – Xplor](#)

1Place - [Learn more about our security practices.](#)

Definitions

Personal information

Information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not and whether it is recorded in a material form or not.

Sensitive information

Personal information that is afforded additional protection under privacy laws and may include information about a person's health, disability, racial or ethnic origin, religious beliefs, criminal record, or other categories recognised as sensitive information under applicable law.

Confidential information

Any information relating to children, families, employees, contractors, volunteers, students, visitors or business operations that is not publicly available and is intended to remain private.

Privacy breach

Any actual or suspected unauthorised access, disclosure, loss, misuse, alteration, destruction or handling of personal or sensitive information contrary to this policy or applicable law.

Data breach

An incident involving the unauthorised access to, disclosure of, loss of, or inability to access personal information that may result in harm to an individual or require notification under applicable privacy laws.

Authorised person

A person who has been granted approval by Niño ELA to access personal, sensitive or confidential information as part of their role or responsibilities.

Consent

Voluntary, informed and current agreement provided by an individual, parent or guardian for the collection, use or disclosure of personal information where required.

Third-Party service provider

An external organisation or individual engaged by Niño ELA to provide services or systems that may involve access to, storage of or processing of personal information.

Record

Any information maintained by Niño ELA in physical or electronic form, including enrolment records, attendance records, health records, incident reports, photographs, videos, correspondence and employment records.

Health Information

Information or an opinion about an individual's physical or mental health, disability, medical history, allergies, immunisation status, or health services received.

Third-Party Service Provider

An external organisation or individual engaged by Niño ELA to provide services, systems or support on its behalf.