



Privacy Policy

1 Purpose

The Department of Communities approves and monitors education and care services through the Education and Care Regulatory Unit (ECRU).

This policy outlines how personal information is collected, held, used and disclosed in relation to the [National Quality Framework](#) (NQF).

In addition, staff act in accordance with the Department of Communities' Code of Conduct (the Code) which is an overarching framework that provides guidance on the ethical and professional behaviour expected of employees. The Code is supported by relevant policies, procedures, guidelines and other tools relating to ethical behaviour.

2 Legislation

The NQF provides a national approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care services. The framework in Western Australia comprises of the:

- [Education and Care Services National Law \(WA\) Act 2012](#) (the National Law)¹
- [Education and Care Services National Regulations 2012 \(WA\)](#)
- [National Quality Standard](#) (NQS)
- [Assessment and rating process](#)

Under section 263 of National Law, the *Privacy Act 1988* (Commonwealth) applies as law of a participating jurisdiction for the purposes of the National Quality Framework. The [Australian Privacy Principles](#) requires ECRU to have a clearly expressed and up to date policy about management of personal information.

The *Privacy Act 1988* (Commonwealth) defines personal information as 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.

An individual who is, or who has been, a person exercising functions under the National Law must not disclose to another person protected information (section 273).

¹ All references to sections are to sections of the Schedule to the *Education and Care Services National Law (WA) Act 2012*.

3 Collecting, Using and Holding Personal Information

ECRU collects personal information directly from individuals, either in person, in writing, by phone or via the internet. Personal information may also be gained from a third party. For example, a Regulatory Authority of another participating jurisdiction, or a publicly available source.

Personal information about third parties may also be received by ECRU from individuals in documents submitted. ECRU will attempt to ensure that consent from identified third parties is gained prior to submission.

A range of personal information may be collected by ECRU and can include contact details, employment history, educational qualifications, and complaint details.

Information is collected, used and held by ECRU to:

- assess applications for provider and service approval
- process notifications
- assess education and care services against the NQS
- support and promote continuous quality improvements in education and care services
- investigate incidents and complaints
- monitor and enforce compliance
- otherwise perform its statutory functions.

ECRU also collects, holds and uses information in order to protect children from harm; stop unlawful conduct; ensure compliance with the law; and raise awareness of legislative requirement by publishing enforcement actions and using other compliance tools.

All personal information collected, held and used by ECRU is securely stored. The National Quality Agenda IT System collects and holds NQF information which is managed by the [Australian Children's Education & Care Authority](#) (ACECQA). This includes personal information regarding providers of education and care services, family day care educators and nominated supervisors. Please refer to ACECQA's [Privacy Policy](#) and [NQA IT System Privacy Statement](#) for further information.

Individuals may register to join a mailing list to receive regular updates on the [ECRU webpage](#) (which is part of WA.gov.au). A [website privacy statement](#) for WA.gov.au is available and is administered by the Office of Digital Government.

4 Disclosing Information

Section 270, 271 and 272 of the National Law details what information ECRU may publish and disclose.

ECRU may publish information about approved providers, approved education and care services and nominated supervisors. This information includes the names of each provider, service or supervisor. Information published must not include information that could identify or lead to the identification of an individual. Exceptions include an approved

provider or nominated supervisor; or a person who is being prosecuted for an offence against the National Law; or if the Regulatory Authority is satisfied that it is in the public interest to do so, a person with management or control of an education and care service; or a person against whom disciplinary action has been taken.

Information about an education and care service may be disclosed by ECRU to a relevant Commonwealth Government Department; or any State or Territory Government Department; or any Commonwealth, State or Territory public authority; or any State or Territory local authority; or a Regulatory Authority of another participating jurisdiction. The purpose of sharing information includes promoting the objects of the NQF, assisting other entities to perform or exercise any of their functions and powers under the National Law and the funding of education and care services.

When requested by an approved provider, ECRU may disclose the following information if it is considered to be required for the provider to comply with the National Law:

- whether a named person is subject to a prohibition notice;
- whether a named family day care educator has been suspended from providing education and care to children as part of a family day care service.

Personal information is not disclosed by ECRU to overseas recipients.

5 Accessing and Correcting Personal Information

ECRU can be contacted to discuss what personal information is held in relation to an individual. Reasonable steps will be taken to ensure any incorrect personal information identified by ECRU or at the request (in-writing) of the individual to whom the personal information relates is corrected. If an individual is concerned their personal information is incorrect and wishes to request this information is corrected, please contact ECRU using the details below.

In some instances an individual may be required to make a request to the Department of Communities, [Freedom of Information Unit](#). Records from or relating to education and care services must be requested under the *Freedom of Information Act 1982* (Commonwealth) instead of the *Freedom of Information Act 1992* (WA).

6 Complaints

If an individual has concerns about a breach of the [Australian Privacy Principles](#), in the first instance, they may contact the Director, ECRU by:

- telephone: (08) 6277 3889 Freecall: 1800 199 383
- email: ecru@communities.wa.gov.au
- mail address: Locked Bag 5000 Fremantle WA 6959

A complaint must be placed in writing and ECRU will respond within 30 days.

If a concern is not resolved, an individual may contact the [National Education & Care Services Privacy Commissioner](#).

7 Document control

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