



Confidentiality and Privacy

Everyone at Salisbury Lutheran Kindergarten including children, are made aware that all child safety incidents and concerns will be reported internally and/or to the relevant external bodies, and that confidentiality cannot be maintained in these instances. You must not provide undertakings that are inconsistent with your reporting obligations in the Kindergarten's Child Safe Program. In particular, you must not promise a child that you will not tell anyone about the child's disclosure.

However, in all other respects, confidentiality and privacy must be maintained and information regarding a child safety incident or concern should only be shared on a 'need to know' basis. For more information about when and how to share information, see **Sharing Information Relating to Wellbeing of Children**.

Anyone who has access to information regarding a case of suspected harm to a child must keep that information confidential and secure and must only disclose or discuss the information internally with those involved in managing the situation.

Children and any other parties who become involved in the investigation of a child safety incident or concern (this may include other children) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

Protection of Reporters' Identity

Reports made to DCP are confidential and the reporter's identity is generally protected by law.

Your identity as a Mandated Notifier, or a Voluntary Reporter, will not be disclosed except:

- where an official, such as a South Australia Police Officer, is acting in the course of their official duties
- where a court deems it necessary, and gives permission for your identity to be disclosed as evidence in legal proceedings
- where you consent.

Reporter Liability

If a person makes a notification to DCP of a child at risk in good faith (honestly and reasonably) they cannot be held to have breached any code of professional etiquette or ethics, or to have departed from any form of professional conduct and therefore will not incur any civil or criminal liability in respect of the notification.

Protection of Staff's WWCC Information

It is an offence under the Child Safety (Prohibited Persons) Act 2016 (SA) (Prohibited Persons Act) for a person to, directly or indirectly, disclose information obtained in the course of the administration or operation of the Working with Children Check (WWCC) Scheme (including, for example, unique



identifiers and whether or not a person is a prohibited person) except for:

- the purposes of the administration or enforcement of the Prohibited Persons Act; or
- for the purposes of referring the matter to a law enforcement agency, or a person or agency exercising official duties under an Act relating to the care or protection of children; or
- for the purposes of a criminal proceeding or a proceeding for the imposition of a penalty; or
- if the disclosure is reasonably necessary for the protection of the lawful interests of that person; or
- as is otherwise required or authorised by or under the Prohibited Persons Act or any other Act.

Salisbury Lutheran Kindergarten will protect the privacy of persons whose WWCC information is received by the Kindergarten in accordance with the Prohibited Persons Act and our **Privacy Program**.

Note however that parents or guardians can require a person who is performing child-related work with respect to their child to provide their full name and unique identifier unless the person does not have to have a WWCC. Further, any person may access and inspect the DHS online records management system. For more information, refer to **Working with Children Checks**.

Protection of Personal Information

How Salisbury Lutheran Kindergarten handles the information we collect about individuals (referred to in the Privacy Act 1988 (Cth) (Privacy Act) as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not; and
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act only applies to personal information that is captured in a record. For more information about how the Kindergarten handles and stores personal information in accordance with the Privacy Act, see our **Privacy Program**.

Requests for Information

If you receive a request from the Police or DCP for information relating to a child who has been impacted (or is suspected to have been impacted) by harm, you should:

- obtain the request for information in writing
- ensure that the written request includes:
 - the name of the Police officer or DCP worker, the organisation they work for and their contact details
 - a description of the information and/or documents being sought
 - the reasons why the information and/or documents are being sought



- what authority the officer/worker or the organisation believes that they have to access the requested information and documents.

If the information is sought under the Education and Children’s Services Act 2019 (SA), the Teachers Registration and Standards Act 2004 (SA), the Children and Young People (Safety) Act 2017 (SA) and the Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA), then it must be referred to the Director for response.

If the information is being sought more informally, for example as background information in relation to a Police or DCP investigation, you may share the information. However, you are not compelled to do so.