

1. INTRODUCTION

Abacus Learning Centre is committed to protecting the privacy, dignity and rights of children, young people, families, staff and stakeholders. Personal information is any information or opinion that identifies, or could reasonably identify, an individual. Abacus recognises that responsible information management is essential to providing safe, ethical and high-quality supports.

2. PURPOSE

This policy provides a framework for:

- Collecting, storing, retaining and protecting personal and sensitive information
- Ensuring confidentiality in service delivery
- Supporting child safety and dignity
- Ensuring compliance with legislative and regulatory requirements

3. LEGISLATIVE AND REGULATORY FRAMEWORK

This policy is developed in accordance with:

- Privacy Act 1988
- Australian Privacy Principles
- Notifiable Data Breaches (NDB) Scheme
- Health Records Act 2001
- National Disability Insurance Scheme Act 2013
- NDIS Practice Standards
- NDIS Code of Conduct
- Child Safe Standards
- Disability Discrimination Act 1992 (Cth)

This policy aligns with the NDIS Practice Standards modules relating to Governance and Operational Management, Provision of Supports and Information Management.

4. APPLICATION

This policy applies to:

- Employees
- Volunteers
- Contractors
- Students and Clients receiving services

Employee Records are managed separately in accordance with applicable workplace legislation.

5. POLICY STATEMENT

Abacus

- Collects only information necessary to provide safe and effective services
- Ensures informed consent is obtained before collecting or disclosing sensitive information
- Uses and discloses personal information only for its primary purpose or a directly related secondary purpose
- Protects information from misuse, loss, interference, unauthorised access, modification or disclosure

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- Provides individuals access to their personal information and the ability to request correction
- Supports children and young people to understand their privacy rights in age-appropriate and accessible formats
- Manages information relating to Aboriginal and Torres Strait Islander children in a culturally safe and respectful manner
- Children and young people are informed, in developmentally appropriate ways, about how their information is used and how to raise concerns.

6. COLLECTION OF INFORMATION

Abacus will:

- Collect information directly from the individual wherever possible
- Inform individuals why information is collected and how it will be used
- Collect sensitive information only with informed consent
- Obtain written Consent to Obtain or Release Information prior to disclosure
- Ensure photographic or video material is not used externally without written consent
- Allow individuals to use a pseudonym where practicable
- Sensitive information includes health information, racial or ethnic origin, religious beliefs and other information defined under privacy legislation.

7. USE AND DISCLOSURE

Personal information will only be used or disclosed:

- For the primary purpose for which it was collected
- For a directly related secondary purpose reasonably expected by the individual
- With consent
- Where required or authorised by law
- To prevent serious and imminent threat to life, health or safety
- In response to mandatory reporting obligations
- All staff are mandated notifiers and must comply with child protection reporting obligations. Notification does not exhaust Duty of Care responsibilities.

8. STORAGE AND SECURITY

Abacus Learning Centre implements reasonable and proportionate safeguards including:

- Password-protected electronic systems
- Restricted staff access
- Secure cloud and IT service arrangements
- Confidentiality agreements for staff and volunteers
- Prohibition on use of personal devices for client media
- Information must not be discussed in public spaces.

9. DATA BREACHES

Data breaches will be managed in accordance with the Notifiable Data Breaches Scheme under the Privacy Act 1988 (Cth).

Where an eligible data breach occurs, Abacus Learning Centre will:

- Take immediate steps to contain and assess the breach
- Notify affected individuals where required
- Notify the Office of the Australian Information Commissioner (OAIC) where required
- Notify the NDIS Commission if the breach constitutes a reportable incident
- All breaches will be documented and reviewed to prevent recurrence.

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10. RECORD RETENTION AND DESTRUCTION

Abacus Learning Centre will:

- Retain client health records for a minimum of 7 years from the last date of service
- For children, retain records until the individual turns 25 years of age, or as otherwise required under Victorian health record legislation
- Securely destroy or permanently de-identify information once it is no longer legally required
- Data used for training or research will be de-identified.

11. ACCESS AND CORRECTION

Individuals have the right to:

- Request access to their information
- Request correction of inaccurate or incomplete information
- Attach a statement if correction is refused
- No fee will be charged for requesting access or correction.

12. OVERSEAS DISCLOSURE

Before disclosing personal information to overseas recipients (including cloud providers), Abacus will take reasonable steps to ensure compliance with the Australian Privacy Principles.

13. TRAINING AND ACCOUNTABILITY

All staff receive training in:

- Privacy and confidentiality
- Child safety
- Mandatory reporting
- Information security
- Breaches of this policy may constitute misconduct and may result in disciplinary action.

14. COMPLAINTS

Privacy complaints may be made to the CEO or Executive Manager – People, Risk & Safeguarding.

If unresolved, complaints may be referred to:

- The Office of the Australian Information Commissioner
- The NDIS Quality and Safeguards Commission

15. RELATED POLICIES

- Child Safe Policy
- Data Breach and Response Policy
- Code of Conduct Training
- Incident Management Policy
- Feedback and Complaints Policy
- Individual Programs Policy
- Use of Media Policy

**CONFIDENTIALITY & PRIVACY
POLICY**

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