

# Australian Privacy Principles Privacy Policy

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## 1. Policy

This policy ensures Quality Education and Care Northern Territory (QECNT) commits to protecting personal information in accordance with its obligations under the [Privacy Act 1988](#) (Cth) (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 Act 2010](#) (National Law), as enacted in all states and territories, establishes a national system to regulate education and care services for children. QECNT is responsible for regulating education and care services in the Northern Territory under the National Law.

Section 263 of the National Law applies the Privacy Act to QECNT in its administration of the National Quality Framework.

## 3. Definitions

Term	Definition
Australian Privacy Principles (APP)	Means the rules covering the handling, use and management of personal information including the right to access and correct personal information, in Schedule 1 of the Privacy Act.
Personal information	Has the same meaning as defined in the Privacy Act: <i>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</i> <i>(a) whether the information or opinion is true or not; and</i> <i>(b) whether the information or opinion is recorded in a material form or not.</i>
Privacy	Means privacy with respect to personal information Section 4A of the Information Act
Notifiable Data Breach Scheme	Means established requirements for data breach notifications under the Privacy Act. As modified in the National Law section 263 (2) (a) entities must notify the National Education and Care Services Privacy Commissioner and individuals of eligible data breaches.
Sensitive information	Is a subset of personal information and means personal information as set out in Section 6 of the Privacy Act relating to racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional/trade association or trade union, sexual orientation or practices, criminal record or health information, genetic information about an individual, biometric information and templates.

## 4. Scope

This policy applies to QECNT and its responsibilities regarding managing information, privacy and right to information requests.

### 4.1. What is personal information?

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.

### 4.2. 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 may 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.

### 4.3. 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.

#### 4.4. 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.

#### 4.5. 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.

#### 4.6. 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.

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

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.

## 4.7. 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.

## 4.8. QECNT webpage

QECNT provides information to the public through its webpage on the Department of Education's website, [QECNT Policies](#).

Information regarding privacy and how personal information is collected and used when individuals access the department's website is available through the [copyright, disclaimer and privacy page](#).

# 5. 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

## 6. Related policy, legislation and documents

Australian Privacy Principles

*Education and Care Services National Law*

[Education and Care Services \(National Uniform Legislation\) Act 2011](#)

*Education and Care Services National Regulations*

[Freedom of Information Act 1982](#)

*Privacy Act 1988(Cth)*

[Privacy Amendment \(Notifiable Data Breaches\) Act 2017](#)

## 7. Acknowledgements

Australian Privacy Principles (APP) Privacy Policy, October 2021, Australian Children's Education and Care Quality Authority

Disclosure log, October 2021, Office of the Australian Information Commissioner

Guide to developing an APP privacy policy, October 2021, Office of the Australian Information Commissioner

Instrument adopting Freedom of Information Guidelines, October 2021, Office of the Australian Information Commissioner

Notifiable Data Breaches Scheme, February 2018 Office of the Australian Information Commissioner

## 8. Disposal Schedule

Disposal Schedule	Type of Record
Seven years from creation	<p>Records documenting the authorisation of authorised officers as required under the <i>(National Uniform Legislation) Act 2011 (NT)</i>.</p> <p>Personal information may include: name, date of birth, postal address, email, 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>
Thirty 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 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 childcare facility.</p> <p>Personal information may include: witness statements, allegations against an individual, extracts of documents, photographs, medical records and other supporting documents.</p>

Acronyms	Full form
ACECQA	Australian Children’s Education and Care Quality Authority
QECNT	Quality Education and Care Northern Territory,
APP	Australian Privacy Policy
NQF	National Quality Framework

<b>Document title</b>	Australian Privacy Principles Privacy Policy
<b>Contact details</b>	Quality Standards and Regulations, Quality Education and Care Northern Territory, <a href="mailto:qualityecnt.det@education.nt.gov.au">qualityecnt.det@education.nt.gov.au</a>
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Version	Date	Author	Changes made
1.0	18 August 2018	Quality Education and Care Northern Territory	Current published version - EC2018/174
2.0	November 2022	Quality Education and Care Northern Territory	Policy updated to include definitions, updates to references, contact details, and placed on new NTG template.