



The Australian, State and Territory Education Ministers have agreed to changes to the National Quality Framework (NQF) in relation to the protection of personal information.

PROTECTION OF PERSONAL INFORMATION

WHEN DO THE CHANGES START?

The National Regulations will change from 1 October 2023.

WHERE CAN I GET FURTHER INFORMATION?

Visit nqfreview.com.au
Contact your [regulatory authority](#)

WHY ARE THE REQUIREMENTS CHANGING?

Currently, enrolment and other documents kept by an approved provider can be made available to a parent of the child on request (unless limited by a court order). These documents may include the personal information of a parent, including their address and contact number. There are cases where one parent may not want the other parent to access their personal information, including for security and safety reasons. The law is changing to strengthen protections of personal information in these documents and privacy.

WHAT ARE THE CHANGES?

The new requirement applies to information contained in the following documents:

- The documentation of child assessments or evaluations for delivery of educational programs
- An incident, injury, trauma and illness record
- A medication record
- A children's attendance record, or
- A child's enrolment record.

Written consent must be first obtained before any personal information of one of the following people is disclosed:

- a parent of a child enrolled at the service, other than the person requesting the documentation
- a person required to be notified of an emergency if a parent cannot be contacted
- an authorised nominee of a child
- a person authorised to consent to medical treatment or the administration of medication to a child
- a person authorised to authorise an educator to take a child outside the service premises
- a person authorised to authorise the service to transport a child or arrange transportation of a child.

Consent must be expressly given in writing. Best practice is for approved providers and their services to check the currency of consent before each disclosure is made. Consent may be withdrawn at any time after it has been given. Withdrawal of consent must be in writing.

Personal information is defined in the Privacy Act 1988 (Cth) and includes any information about an identified individual such as their home address, email address, telephone number, date of birth, medical records, bank account details, and tax file number.

REFERENCES AND RESOURCES

- ACECQA [The Guide to the NQF](#) – Standard 7.1
- For information on maintaining current information about service delivery contact your [regulatory authority](#).

Acknowledgment: The information in this publication is accurate pending the Australian, state and territory education ministers' agreement of the amended law and regulations.