



**eXceptional Learners**

*Creating Brighter Futures Together*

Suite 3, 9 Oaks Avenue, Dee Why NSW 2099

**simon@xceptionalleaders.com**

www.xceptionalleaders.com

0411 858 220

ABN 44 062 865 726

# Privacy and Confidentiality Policy

VERSION

**2.0**

DATE

**September 2026**

REVIEW DATE

**September 2027**

POLICY OWNER

**Simon da Roza**

## Acknowledgement of Country

eXceptional Learners acknowledges the Gayamaygal and Guringai peoples as the Traditional Custodians of the land on which we work and live in Dee Why and on the Northern Beaches of Sydney. We pay our respects to their Elders past, present and emerging, and extend that respect to all Aboriginal and Torres Strait Islander peoples. We are committed to creating inclusive, culturally safe services for all.

## 1. Purpose

eXceptional Learners is committed to protecting the privacy of every client and family. This policy explains how personal and sensitive information is collected, used, stored and protected, and what rights you have over information held about you or your child.

It is written to be read, not to be filed. If any part of it is unclear, please ask.

## 2. Legislative framework

- Privacy Act 1988 (Cth) and the Australian Privacy Principles
- Health Records and Information Privacy Act 2002 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW) — mandatory reporting
- NDIS Code of Conduct, which applies to all providers of NDIS supports whether registered or not

**eXceptional Learners handles information about children and about health, and therefore treats itself as bound by the Australian Privacy Principles regardless of business size.**

## 3. Information collected

- Names, dates of birth and contact details

- Health and medical information, diagnoses and medications
- Psychological, educational and assessment reports
- Mental health, disability and neurodivergence information
- Cultural and language background
- Session notes, assessment responses and progress records

Sensitive information is collected only with explicit written consent, and only to the extent needed to provide the service. Where information is collected from a third party, such as a teacher, that happens only with the written consent of the parent or carer.

#### 4. How information is used

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- To deliver coaching, assessment and support services
- To build a profile and develop a personalised plan
- To communicate with families about sessions and progress
- To liaise with other professionals, with written consent
- To meet mandatory reporting obligations

Information is not used for marketing, is not sold or traded, and is not used to train any external system.

#### 5. Limits of confidentiality

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Confidentiality is maintained except where:

- The client consents to disclosure in writing
- Mandatory reporting obligations are triggered. **Simon da Roza is a mandatory reporter.** Where there is reasonable grounds to suspect a child or young person is at risk of significant harm, a report is required by law and does not require your agreement.
- There is a serious and imminent risk to the safety of any person
- Disclosure is required by law or by court order

These limits are explained at the commencement of services, before any information is collected, and are set out again in the information and consent letter each family receives.

#### 6. Where information is stored

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Digital records are held in Google Workspace under the eXceptional Learners business account, protected by two-step verification and accessible only to the principal practitioner. Paper records are held in a locked filing system.

### Storage outside Australia

Google stores data on servers that may be located **outside Australia**, most commonly in the United States. Data-region controls offered by Google do not currently include Australia.

Where personal information is disclosed overseas, Australian privacy law would ordinarily hold eXceptional Learners accountable for how an overseas recipient handles it. **Where a client consents to information being stored this way, that particular protection does not apply to that disclosure.** This is stated plainly in the consent letter so that consent is genuinely informed.

Any client who would prefer their information not to be stored overseas may say so. **Assessment forms are then taken on paper and held locally**, and no aspect of the service is reduced or withheld as a result.

## 7. Retention and destruction

- Records about a child are retained **until the young person turns 25** — seven years past their eighteenth birthday — and are then securely destroyed.
- Records about adults are retained for seven years from the last occasion of service, then securely destroyed.
- Incident and complaint records are retained for a minimum of seven years, and longer where a matter remains under investigation.

A retention register records the client identifier, dates of first and last service, and the scheduled destruction date, so that records can be found and destroyed on time rather than accumulating indefinitely.

## 8. Access and correction

You may ask for access to any personal information held about you or your child at any time, and may ask for a correction if something is inaccurate, out of date, incomplete or misleading. Requests should be made in writing and will be answered within 30 days.

Access may be limited only in narrow circumstances — for example where giving access would pose a serious threat to someone's safety, or would unreasonably affect another person's privacy. Where access is limited, the reason is given in writing.

## 9. Children and young people

**Their information is theirs**

Children and young people have a right to information that affects their own lives. Before completing any assessment a young person is told, in plain terms, what it is for, what happens to it, and that they may stop at any point.

Where a young person has sufficient maturity to make their own decisions about their information, their views are given weight. Nothing about a young person is presented to them as a list of deficits, and they are consulted about who else sees their profile.

## 10. Data breaches

eXceptional Learners complies with the Notifiable Data Breaches scheme under the Privacy Act 1988 (Cth). Any suspected breach is assessed within 30 days. Where a breach is likely to result in serious harm, affected individuals and the Office of the Australian Information Commissioner are notified as soon as practicable.

The steps followed are set out in the **eXceptional Learners Data Breach Response Plan**, available on request.

## 11. Complaints

Privacy concerns may be raised directly with Simon da Roza, and are handled under the eXceptional Learners Complaints and Grievance Policy. If a concern is not resolved, it may be referred to:

- Office of the Australian Information Commissioner — [www.oaic.gov.au](http://www.oaic.gov.au) — 1300 363 992
- NDIS Quality and Safeguards Commission — 1800 035 544 — for matters relating to NDIS-funded supports

Raising a concern will not affect the service you or your child receives.

## 12. Availability and review

This policy is available free of charge on request and is published on the eXceptional Learners website. It is reviewed annually, and sooner if the law or the way information is handled changes.

*eXceptional Learners is a sole practice. All records are handled by the principal practitioner, and no other person has access to client information.*

APPROVED BY

DATE

Simon da Roza · Principal Practitioner, eXceptional Learners

