

EXPLANATORY STATEMENT

Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2002 (No. 1)

Summary

This Determination is made under subsection 205(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999* (the Administration Act).

The purpose of this Determination is to amend the **Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000** (the Approval Determination). The Approval Determination sets out rules relating to the eligibility of child care services to become approved child care services for the purposes of child care benefit.

This Determination introduces, from its gazettal, the requirement that a child care service must comply with the National Privacy Principles in order to meet Departmental program requirements.

Background

Child Care Services are currently required to comply with the National Principles for the Fair Handling of Personal Information. This fulfils the Department's program requirement for how services should handle personal information and creates a link to service approval.

On 21 December 2001 the National Privacy Principles were included in the *Privacy Act 1988* by the *Privacy Amendment (Private Sector) Act 2000*.

The Privacy Commissioner recently determined that child care services are required to use the National Privacy Principles as they constitute a health service as defined under the *Privacy Act 1988*.

This Determination aligns the departmental program requirements so that services are only required to comply with the one set of Privacy Principles, thus simplifying privacy requirements.

Explanation of the clauses

Name of Determination

Clause 1 states the name of this Determination.

Commencement

Clause 2 states that this Determination commences upon its gazettal.

Amendment of Approval Determination

Clause 3 states that Schedule 1 amends the Approval Determination.

Explanation of the item in Schedule 1

Item 1 – omits subsection 22(4) and substitutes new subsection 22(4)

Item 1 omits the existing subsection 22(4) which requires a child care service to adopt principles based on the National Principles for the Fair Handling of Personal Information issued by the Privacy Commissioner for handling personal information about clients and substitutes a new subsection 22(4) which requires a child care service to comply with the National Privacy Principles.