



Confidentiality and Data Protection Policy and Procedure

We understand that at times, the work of the setting and with children and families will bring our staff into contact with confidential information. To ensure that all use and work in the setting can do so in confidence, confidentiality will be respected in the following way:

Aims

- The setting will ensure that all information is stored and shared according to the regulations and guidance of the General Data Protection Regulation 2018.
- The setting will ensure that the staff team are aware of the implications of the GDPR 2018 in so far as it affects their roles and responsibilities within the setting.
- The setting will ensure there is a Privacy Notice for parents, staff and an Information Audit/Record of processing activity alongside this Confidentiality and Data Protection policy.
- The setting will ensure it facilitates an open approach with the parents/carers with regard to its policies and procedures and the information that the setting holds on their child.

Definitions

This document uses the following definitions.

Personal Data

General Information relating to parents/carers and children that access services at our setting. Personal data is information which relates to living individuals and by which that individual can be identified. Personal information, for the purpose of this policy also includes photographic images (see below).

Sensitive Information

Some information initially collected may include *sensitive personal data*. Information that is collected and used by childcare provisions that falls into this category includes:

- Ethnic origin.
- Employment status.
- Details of any special health issues (including special educational needs or physical disability statement).
- Appropriate records of children's progress and achievements.
- Any other information relating to the child, deemed by staff or parents/carers, to be relevant and significant.



Compliance With GDPR

The setting will comply with the six principles of the GDPR which say that the data processing must be lawful and transparent; only used for the purpose for which it was originally requested (unless with further consent); limited to what is necessary, accurate and kept up to date; retained or deleted appropriately; and processed with integrity and responsibility to avoid loss or damage.

The setting will appoint a 'data controller' and if required register with the Information Commissioner's Office (ICO)

There is a legal requirement for the setting to keep certain information in order to register a child, such as a child's date of birth and parents' contact details. There is also a statutory requirement to keep some record of the learning progress of each child. There will be other information which the setting may request, based on consent; the setting will indicate which data requests are consent based in order that parents/carers can make an informed choice, for example taking photographs of a child. Parents/carers have the option to refuse or withdraw consent at any time.

In line with the EYFS, we will liaise with parents/carers to keep them updated about their child(ren)'s well-being and progress. Parents/carers have rights to their own information as well as that of their children. The Parents' Privacy notice will detail this and the 'lawful basis' for holding this data.

In line with the EYFS and Employment law we will keep records on staff and volunteers to ensure suitability, good practice and well-being. Staff and volunteers have a right to their own information.

Procedure

- Parents register using our online booking system after giving consent electronically to store their and their child's personal information.
- All personal records will be stored in a secure location. For paper records this means, within lockable storage. For computer or digital records this means that files will be pin/password protected. Security measures will be implemented for any and all portable media equipment.
- The safety and welfare of the children will be paramount; any disclosures relating to issues of child protection will be discussed with the relevant agencies and our child protection policy will be implemented.
- Parents/carers will be made aware that as an Early Years education provider we have a duty to share/pass on child protection/safeguarding information to the next education provider.



- Any serious concerns or evidence relating to a child's personal welfare will be recorded and kept in a confidential file and will not be shared within the setting except with the necessary staff and the parents/carers. The exception to sharing information with the parents/carers is where doing so would put the child at significant risk of harm.
- All children's records will be available to the parents/carers of that child, but they will not have access to any information about other children. This includes having separate accident and incident reports to respect the confidentiality of the other children. Relevant staff will have access to this information.
- Records and information will be made available to parents/carers/staff and volunteers upon request ('subject access request'), within a month, unless subject to an exemption. If for any reason a request is going to be refused, then this decision, and an explanation, will be communicated in writing within a month.
- Staff will not discuss individual children, other than for purposes of planning / reviewing or group management, with anyone other than the parents/carers of that child without their permission, unless required to do so by an Ofsted inspector.
- Personal information will not be released to external agencies without the prior permission of parents/carers. We will seek active consent to share information with health, education and inclusion professionals. The exception to this is where doing so would put the child at significant risk of harm.
- Parent/carer information may be shared with the HMRC and other providers of funded places.
- Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to those directly involved with making personnel decisions.
- Students, volunteers and management will be advised of our confidentiality and data protection policy and are required to respect and adhere to it.
- Staff failing to show due regard for confidentiality will be liable to disciplinary action under the provisions of the Disciplinary Procedure.
- We may share information about your child or discuss your child with their class teacher or other members of their school staff.
- This setting will not share data with any third party unless specified above.

Confidentiality

The manager, staff, volunteers and any other individual associated with the running or management of the scheme will respect confidentiality by:



- Not discussing confidential matters about children with other parents/carers.
- Not discussing confidential matters about parents/carers with children or other parents/carers.
- Not discussing confidential information about other staff members.
- Only passing sensitive information, in written or oral form, to relevant people.

In circumstances where staff have good reason to believe that a child is at risk, or is likely to be at risk, of child abuse or neglect, the Safeguarding Children/Child Protection policy will override confidentiality on a 'need to know' basis.

Parents/carers/carers/staff have the right to trust that information given to the scheme is given in confidence and will be used only for the purposes for which it was given and will not be released without their consent.

The scheme recognises the right of users to have information about them held in private and secure files.

Parents/carers/carers will have access to their own files at all times.

Staff Confidentiality

Personal information about members of staff must be regarded as confidential at all times. This includes information such as:

- Staff sickness
- HIV or related illness status
- Current or previous disciplinary procedures
- Employment references
- Personal living arrangements such as family life and sexuality
- Address and home telephone number
- Any other information that has been given in confidence

Staff failing to show due regard for confidentiality will be liable to disciplinary action under the provisions of the Staff Disciplinary & Grievance Procedures policy.

Data Breach

We must report any data breach to the ICO if, for example, personal data was lost, destroyed, shared inappropriately, or if someone accessed information without permission. Parents have a right to complain to the ICO.



If a data breach occurred the individuals involved would be informed and it would be addressed promptly. We would take steps to establish the severity and tell the ICO, if required. If it was decided not to report the breach this decision would need to be justified and recorded as an incident in the Log of Data Breaches and consider how we might ensure that the data breach could not occur again. We must investigate a data breach within 72 hours and failure to notify a breach may result in a fine.

Advice is available from the **ICO Helpline 0303 123 1113**

Children's Rights

Children have the same rights as adults over their personal data and only children aged at least 13 or over are able provide their own consent in the UK. For children under this age we need to get consent from whoever holds parental responsibility for them. We must make reasonable efforts to verify that the person giving consent does, in fact, hold parental responsibility for the child.

There is some information which we must hold by law in order to register a child, such as a child's date of birth and parents' contact details. There is also a statutory requirement to keep some record of your child's learning progress. There is other information which we may ask for, which is based on consent and we should indicate that it is consent-based, so that you have the option to refuse or withdraw consent, for example you may not wish us to take photographs of your child.

Record Keeping: Children's Records

Ordinarily, information kept on a child will include:

- Birth name (along with any other name the child is known by).
- Date of birth.
- Gender.
- School attended.
- Ethnic origin.
- Religion.
- Languages spoken.
- Name of parent child usually lives with.
- Home address and telephone number(s).
- Parents and carers names and addresses.
- Parents or carers place of work and contact number(s).
- Any other emergency contact names and numbers.
- Family doctor's name, address and telephone number.
- Details of any special health issues (including a special educational need or physical disability statement).
- Details of any special dietary requirements and allergies.
- Record of immunisation.



- Names of people authorised by parents/carers to collect children.
- Any other information relating to the child deemed by staff or parents/carers to be relevant and significant.

Record Keeping: Staff Records

Details relating to employees are also kept on record, in addition to up to date records of all the staff and volunteers who work at the setting, including their name, their position and DBS check.

Other information (such as Personal Development Plans for staff), accrued during their time spent working at the setting, will also be stored in accordance with this policy.

Record Keeping: Other

Additionally, the following records and information will be stored and maintained by the setting:

- An accurate daily staff, students and volunteers attendance registers and visitors logs.
- Records of the activities planned and implemented, including any off-site visits and outings.
- A record of the risk assessments on buildings, sessions, activities and visits clearly stating, when they were carried out, by whom, date of review, and any action following.
- Records of any medication being held by staff on behalf of children, along with the signed Administration of Medication Form, in the Medication Record Book (in accordance with the Accident, Illness and Emergency policy).
- Records of any medication administered to any child, including dates, circumstances and who administered it - this includes self-administered medication.
- Records of signed Emergency Medical Treatment Forms, giving parental authorisation for staff to consent to emergency treatment for children (in accordance with the Accident, Illness and Emergency policy).
- An up to date waiting list with details of all children waiting for a place at the scheme.
- Inventory Records of all equipment owned or used by the provision including safety checks and repairs carried out.
- Completed Accident and Incident records.



- Additionally, a regularly updated version of the admissions list will be kept off the premises, but close by, in case of an emergency, such as a fire.

Retention of Records

When a child has moved on from the setting we will hand over educational records (learning diary), and photographs to the parent/carers and delete any copies. Other records will be retained for a varying length of time depending on the reason for retaining those records. We have detailed the retention periods in the Privacy Notice to parents/carers and Retention of Records Policy for staff.

If we resign the childcare registration we will keep records securely for as long as we are legally required, depending on the reason for retention.

Paper documents will be cross-shredded. Information on digital storage devices will be deleted when it is no longer required.

Staff records will be retained throughout employment and when an individual leaves some records will be handled in line with the retention of record document.

All required records relating to individual children are maintained and retained for three years after children last attended the setting.

Data & Image Security

Information and records held on children will be kept in a secure locked location.

All paper-based files containing personal and or sensitive information that have exceeded their retention period should be cross-shredded.

All electronic personal and/or sensitive information will be held on a password protected laptop. Images will be stored directly on the work phone.

Data & Image Management & Processing

In the spirit of the Information Commissioner's Office's principle of 'Fair Processing' and under Schedule 2 of The Act, we only collect personal information for which there is a legitimate use and do not use the information in any way that has unjustifiable adverse effects upon the individuals concerned or use the data in any way that is unlawful. We expect all of our staff to be open and honest about the intended use of the information we collect and handle the information in ways that they would reasonably expect.



Still and Moving Images

Still and moving images (i.e., photographs and video footage) within the scheme will only be taken by the scheme's staff and only following parental consent for the child/ren being photographed.

It is likely that there will be occasions during a child's time at the setting when staff may wish to photograph or video children as part of an observation or to record an achievement to show their parent/carer.

The scheme will not use the personal details or full name (first name and/or surname) of any child in a photographic image on its website or in any other printed material without consent. Generally, images of children will not have an accompanying name in the text or caption; if a name is used in the text, the scheme will not use an image of that individual unless specific permission has been granted.

No photographs of children will be released to press or media contacts or used in any of the setting's marketing, externally or internally, without the formal consent of the parent or carer of the child(ren) being photographed.

All written consents relating to the use of photographic images of children will be recorded on School's Out Henleaze's online booking system.

Photographic Displays

The scheme will not use the personal details or full name (first name and/or surname) of any child in an image on its display, website or in any other printed material without having gained the consent from the parent or carer of the child(ren).

Notification of Changes

The setting recognises its responsibilities in keeping children, parents/carers, staff and Ofsted informed of any changes to the running or management of the setting that will directly affect them.

Wherever possible, if changes are to be made, affected parties will be given as much warning as possible. In the case of proposed changes that are of considerable scope or importance, the setting will facilitate consultation with the affected groups or individuals.

In the following cases, it is mandatory for the setting to inform Ofsted at the earliest possible opportunity – within 14 days after the change occurs:

- Any significant change to the premises.
- Change of premises address where childcare is provided.
- Change in the type of childcare, for example, from after school setting to childminding.



- Any change of the registered person's name, address or telephone number.
- Any change in registered person and person in day to day charge.
- Any proposal to change the hours during which childcare is provided.
- Any changes that will affect the suitability of the registered person or anyone who cares for children on the premises. For example, committing an offence that would result in disqualification.
- Any incident of food poisoning affecting two or more children in the care of the childcare setting.
- Any serious accident or injury to, or death of any child receiving childcare.
- Any serious accident or injury to, or death of any person on the childcare premises.
- Any allegation of serious harm or abuse of any child committed by a member of staff (whether the offence is committed on or offsite).
- Any allegation of serious harm or abuse of any child occurring on the premises and committed by any person (whether they are children, staff, parents or visitors).
- Any significant change to the operational plan of the setting.
- Any other significant events.

Data Cleansing

The manager has overall responsibility for the maintenance and updating of children's records and ensuring that these are accurate.

Complex Issues

Data Protection, Freedom of Information, Confidentiality and Information Sharing is a complex area and the setting will seek advice on complex issues from:

- Data Protection <https://ico.org.uk/>
- GDPR 2018 Advice, including information about a data breach is available from the **ICO Helpline 0303 123 1113**
- Freedom of Information of information Act <https://ico.org.uk/>
- Bristol's Information Sharing Protocol
- <https://www.bristol.gov.uk/data-protection-foi/information-sharing-agreements>
- Guidance on the Transfer of a Child Protection Safeguarding File to another Education Setting <https://bristolsafeguarding.org/media/n0nlf1ue/kbsp-transfer-of-cp-and-safeguarding-file-update-final-version.pdf>

Legislation

- General Data Protection Regulation 2018.
- Freedom of information Act 2000.
- The Children Act 1989.
- The Children Act 2000.
- Local Government Act 2000.
- Crime and Disorder Act 1998.