



33. Data Protection and Confidentiality Policy

As an Ofsted registered setting Kate Adams is the data controller under the Data Protection Act 1998 (General Data Protection Regulation (GDPR) 2016 from 25 May 2018). I hold and process personal information from third parties supplied in accordance with these Acts.

I may use parent/carer, child and employee personal information to provide my childcare services, to meet my statutory obligations as a setting and an employer and to contact them. Where personal data of third parties is provided by parent/carer and employee, I assume that they have obtained the required authority to supply this information to me.

I will not transfer or otherwise disclose to third parties your personal data or personal data of others you have provided to me except:

- where permitted to do so for the purpose of exercising my regulatory functions or
- where permitted or required by law to assist other agencies to exercise their statutory functions or
- where you have agreed to the disclosure. (Please also see my Safeguarding Children and Child Protection Policy)

I am registered with the Information Commissioner's Office (ICO) for Data Protection. I am aware of my responsibilities under the Data Protection Act 1998, GDPR from 25 May 2018 and the Freedom of Information Act 2000 regarding the collection, storage and destruction of personal data.

Under these regulations, personal data must be:

- obtained and processed fairly and lawfully
- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose
- adequate, relevant, and not excessive for that purpose
- accurate and kept up to date,
- not kept for longer than is necessary
- processed in accordance with the data subject's rights,
- kept safe from unauthorised access, accidental loss, or destruction
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data

Under the Freedom of Information Act, 2000 and the GPDR 2016 parents, children, employees, visitors and other members of the public have the right to:

- know what information I hold and process about them and why
- know how to gain access to it
- know how to keep it up to date
- know what I am doing to comply with its obligations under these Acts

Personal Information

Personal Information is defined as any details relating to a living, identifiable individual. Within my early years setting this relates to children and their families, employees, professional visitors and some members of the public; e.g. job applicants. The information collected must be for the legitimate business of my nursery setting. In general, the individual concerned must agree that they understand and give permission for the declared processing to take place, although legislation will take precedence.

I need to ensure that the information gained from each individual is kept securely and to the appropriate level of confidentiality.

The personal information (personal identifiers) collected regarding a child and their family using my setting could include:

- Child's and parents/carers names
- Child's date of birth
- Address(es) of child and parents/carers
- Email address(es) of parents/carers
- Details of parental responsibility
- Parents/carers contact details
- Emergency contact details
- Doctor's name and contact details
- Dentist's name and contact details
- Any medical details
- Any special educational needs and disabilities
- Allergies
- Parent date of birth and national insurance number (for funding claims)
- Observations of children's progress, assessments, individual planning and progress summaries (Learning Journeys)
- Children's information from other settings and/or other outside professionals
- Photographs
- Attendance register, contracts and fees
- Accidents, incidents and medication records
- Child protection information
- Ethnic group
- Any other relevant information

The personal information collected regarding employees could include:

- Their name
- Address

- Email address
 - Telephone numbers-including those of emergency contacts
 - Date of birth
 - Medical information
 - National Insurance number
 - Suitability checks, including references and DBS number and date of certificate
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- Records of ongoing suitability, including declaration of disqualification and disqualification by association
 - Health declaration
 - Photographs
 - Appraisals
 - Disciplinary proceedings
 - Contracts and salary information
 - Bank account details
 - Any other relevant information

It is the responsibility of parents/carers and employees to ensure that they have the permission of their emergency contacts to pass me their contact details. They must also ensure the emergency contact is aware that I will store their contact details as detailed in this policy.

I store personal information to comply with the EYFS 2017, the Childcare (General Childcare Register) Regulations 2008, the Childcare Act 2006 and the requirements of my childminding registration to deliver services to families and to employ suitable people for my setting. It is also to meet the requirements of being an employer (e.g. HMRC, Pensions Regulator).

Keeping Information Up-to-Date

Parents/carers are responsible for checking that any information that they provide to me in connection with their child(ren)'s care is accurate and up to date. This includes changes in their own and their child's personal information.

Employees are responsible for checking that any information that they provide to me in connection with their employment is accurate and up to date.

I will regularly ask parents/carers and employees to check their records but it is their responsibility to inform me of any changes as soon as is reasonably practicable.

If there are changes in the suitability of staff to work with children (including changes in suitability by association), they must inform me immediately.

Processing of Personal Information

My staff who process or use personal information and I are responsible for ensuring that:

- All personal information is kept securely

- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party

Staff should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.

Personal information that is recorded on paper will be:

- kept in a secure location

Personal information that is computerised will be:

- password protected
- kept on a storage device which is itself kept securely

The premises are secure and visitors, who are never left unattended, are recorded on the attendance sheet.

It is occasionally necessary for me to take personal information off the premises – for example to attend a meeting with another setting that that child attends or to attend a meeting with another professional that is working with a child. This information may include documents that include the child's name, address, date of birth, learning and development records, reports from other professionals, personal information and contact details of parents/carers. Information will be transported securely and will not be left in any vehicle.

Paper Data Processing

Personal identifiers could be included in the following paper data:

- Children's learning and development information
- Attendance register
- Parent-nursery contracts
- Child record forms
- Permission forms
- Accident, incident and medication records
- Safeguarding records
- Emergency contact information
- Local Authority Funding forms (see below)
- Photographs
- Documents for HMRC including invoices
- Staff recruitment, employment and disciplinary records

Local Authority Funding Forms

Parents who are eligible to claim 15 or 30 hours early education funding are required to complete Local Authority parent declaration forms. These forms include identifiers such as parent/carer name, dob and national Insurance number and the child's personal details and characteristics such as ethnic group.

Computerised Data Processing

I use a computer and mobile phone for business purposes. Computer and mobile phone security includes regularly updated antivirus software and secure password protection. Personal identifiers could be included in the following data that I may hold in computerised form:

- Child record forms
- Emergency contact information
- Photographs
- Documents for HMRC including invoices
- Incidents
- Notifications to Ofsted

Email including newsletters and invoices

I use a setting owned domain to process emails and my email provider is LCN. I keep a copy of parent/carer and staff email addresses on my computer and mobile phone to allow me to process emails quickly.

If I need to email sensitive information to a recipient that is unable to receive, I will ensure it is password encrypted and the password shared in a separate email.

Text Messages

I use Utility Warehouse as my mobile phone provider to send and receive text. I keep a copy of parent/carer and staff mobile phone number and those of their emergency contacts in the setting mobile phone contact list.

Social Media

I use Facebook (The Play Den Nursery) so parents/carers can see what we do in the setting, this also advertises my business. With parental/carers permission, we put photos on our Facebook and website pages. I may also put photos of employees on the page, with permission.

Conversations

Information of a personal or confidential nature will not be discussed in a public area. My staff and I are aware of confidentiality at all times when discussions are taking place and do our utmost to ensure discussions are not overheard by others. My staff will distance themselves from a conversation if it does not concern them and will respect the confidential nature of any information inadvertently overheard.

Sensitive information is defined by regulation as that relating to ethnicity, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, criminal proceedings or convictions. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

Photographs and Videos and Tapestry

Photographs and videos are used for recording activities and achievements. These are uploaded to Tapestry (a secure 'cloud' account which is password protected). I ensure that I have parental/carer's permission before taking/retaining photographs/videos of children. Any recording devices are password protected. Likewise I ensure I have permission of my staff before taking and using their photograph/video.

Information Sharing

I have an Information Sharing Policy and work to the principles of the seven golden rules to sharing information, which can be found in 'Information Sharing – Advice for practitioners providing safeguarding services to children, young people, parents and carers' (2015).

Ofsted may request to see my records at any time.

Retention of Data

I take care to only store personal information that is absolutely necessary.

I store data for the period of time required by legislation, my Local Safeguarding Children's Board or as recommended by the Information and Records Management Society (IRMS). For retention periods please see the Appendix to this policy.

Disposal of Confidential material

All personal information is disposed of safely when it is no longer needed, following the retention guidelines and statutory requirements.

- Paper documents are destroyed using a cross-cut shredder.
- Electronic files are deleted when no longer needed/when retention periods have lapsed. My computer 'recycle bin' is emptied on a weekly basis.
- PDF Learning journeys are made available for downloading to the parents/carers when a child starts nursery/school or leaves the setting

Data Breaches

I take confidentiality and security very seriously. Any incident of data breach will be recorded and reported to those affected and to the ICO:

- <https://ico.org.uk/for-organisations/report-a-breach/>

I will carry out a risk assessment to minimise the risk of it occurring again. Types of data breach include:

- Fire and flood
- Unauthorised access
- Theft/loss
- Accidental action (e.g. an employee talks about a child to the wrong adult, sending personal data to the incorrect recipient)

Requesting Details of the Information I Hold Regarding You/Your Child(ren)

Unless there are specific reasons regarding child protection that I have been advised of by the Local Safeguarding Children Board, parents/carers will have access to their own records and to those of their child(ren) and have the right to see them at any time.

Likewise, employees have the right to access any personal data that is being kept about them.

If parents/carers or staff wish to see these records, they should discuss this with me.

Right to Erasure

Parents/carers have the right to ask for personal data held about them and/or their child(ren) to be erased, this is known as 'right to erasure'. I will conform to such requests unless I have a statutory duty to retain the data. Likewise, employees have the right to erasure.

I will make a decision about erasure on an individual case basis.

Parents/carers or employees should speak to me for more information.

Complaining to the ICO

If you are concerned about a data breach or the way in which I collect, store or share information, you can contact the Information Commissioner's Office:

- 0303 123 1113

I expect any information shared regarding me or my family to remain confidential if requested.

If you have any concerns regarding this policy please do discuss them with Kate Adams or Marie Giddings.

Information Sharing Policy

My information sharing procedures are based on the Seven Golden Rules for Information Sharing, as set out in '*Information Sharing; Advice for practitioners providing safeguarding services to children, young people, parents and carers*' (2015) (www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice).

I am required to ensure the information and data I collect about families, children and employees is treated confidentially and is only shared when there is a need to do so.

As my registration body Ofsted may request to see my records at any time. Sensitive data sent to (or from) Ofsted by email will always be sent securely or via recorded delivery.

Sharing Information between early years' practitioners is a requirement of the Early Years Foundation Stage Statutory Framework 2017. By sharing information between the early years professionals involved in each child's life we are able to provide for and meet their

needs more fully, aid the settling-in process and coordinate planning and record keeping for individual children.

Information collected from other professionals will primarily be used to support the child's development. It may also inform planning, continuity of care, children's likes and dislikes, health needs, behaviour, activity themes, outings, friendships, any upsets or sickness during the day, meeting cultural beliefs or to ensure inclusion.

I aim to provide good quality care and education for all children through the appropriate sharing of information and the successful delivery of the EYFS. I plan to do this by:

- Ensuring continuity and coherence by sharing relevant information with other early years' professionals and with parents/carers.
- Facilitating the identification of children's learning needs,
- Ensuring a quick response to any area of particular difficulty.

I will obtain written permission from parents/carers to share information with other settings and other professionals before any information is shared. This will clearly state how information will be used and stored and what information can be shared and with whom.

I am required to share information with my Local Authority for the purpose of 2, 3 and 4 year old funding and any extra funding I might claim for your child.

I share information about income and expenses including, when requested, your invoices and payments with my Morgwn Atkins (Accountant), HMRC and Tax Credits/Universal Credit.

Only those with parental responsibility for a child can give or refuse consent for the sharing of information regarding that child. Those with parental responsibility include:

- The child's mother and father if they were married at the time of the child's birth
- If unmarried, the child's mother; the child's father if he is named on the child's birth certificate
- Adoptive parents
- Others who have gained parental responsibility via a court order

Parents/carers and employees will be asked to sign to say that they understand the circumstances when information may be shared without their knowledge. This will only be when it is a matter of safeguarding a child or vulnerable adult. In such cases I will contact the Multi-Agency Safeguarding Hub (MASH), the Local Area Designated Officer (LADO) (concerns about adults working with children or members of my household) and potentially the police. (Please also see my Safeguarding Children and Child Protection Policy.)

I will share employee records with Morgwn Atkins (Accountant), HMRC, pension providers, the Department of Work and Pensions, HSE.

The Appendix to this policy shows bodies that information may be shared with

This policy and the data protection and confidentiality policy will be discussed with parents/carers when a child starts at the setting to ensure that they are fully aware of their rights before permissions for sharing information are sought. It will also be shared with employees at the commencement of employment.

I will seek advice where necessary and record the outcome of any discussions in a confidential manner.

If you have any concerns I will be happy to meet and discuss them with you.

Information Sharing Policy
Appendix: Potential Data Sharing of Individual Records

Document	Potential Data Sharing	Why do you share it?
Children's records		
Accident, incident and medication records (including pre-existing injuries and physical intervention log)	Ofsted, Police, Emergency Services, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Attendance register	Ofsted, Police, Emergency Services, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Child record form Permission forms	Ofsted, Police, Emergency Services, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Child protection information and safeguarding concerns about a child	Ofsted, Police, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Receipt for transfer of child protection / safeguarding records	Ofsted, Police, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/legal proceedings
Learning and development observations and summative assessments including two year old progress check	Ofsted. With parental consent may be shared with other childcare settings the child attends, health visitor, health professionals	Legal obligation/Learning and development and welfare requirements of the child to help them reach potential
Displays	No one though may be seen by other users of setting	
Financial Records		
Childcare contracts	Ofsted, HMRC, DWP & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Local authority funding form	Ofsted, shared via Early Years Funding Portal (SBC), Department for Education, Insurance Company & legal services	Legal obligation/To obtain early years education funding/Insurance claim/ Legal proceedings

Document	Potential Data Sharing	Why do you share it?
Accounting records – e.g. cash books, invoices, receipts	Morgwn Atkins, HMRC, DWP, LA	Legal obligation
Administration Records		
Complaints log	Ofsted & legal services	Legal obligation/ Insurance claim/Legal proceedings
Notifications to Ofsted	Ofsted, LADO, Police & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Acknowledgement receipt of Privacy Notice	Ofsted, ICO & legal services	Legal obligation/ Insurance claim/Legal proceedings
Policies and procedures – acknowledgement of receipt	Ofsted & legal services	Legal obligation/ Insurance claim/legal proceedings
Visitor book	Ofsted & legal services	Legal obligation/Child protection/Insurance claim /Legal proceedings
Fire Drill Records	Ofsted & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Insurance records, including employer's liability insurance records	Ofsted & legal services	Legal obligation Insurance claim/Legal proceedings
Personnel Records		
Application forms and interview notes for unsuccessful applicants	Pacey and legal services	Insurance claim/Legal proceedings
Personnel files for employees	Ofsted & legal services	Legal obligation Insurance claim/Legal proceedings
Disciplinary records	Ofsted, Police, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Unfounded allegations regarding child protection	Ofsted, Police, LSCB, LADO& legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Child protection allegations - founded	Ofsted, Police, LSCB, LADO, legal services & DBS	Legal obligation/Child protection/Insurance claim/Legal proceedings
DBS Check Information	Ofsted, Police, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Salary records & expenses, including Income tax and National Insurance returns/records and National Minimum Wage Records	Morgwn Atkins, HMRC, DWP, Pension provider, Pension Regulator, Tax Credits	Legal obligation
Working time records	Morgwn Atkins, HMRC, DWP	Legal obligation
Statutory Maternity Pay (SMP) records	Morgwn Atkins, HMRC, DWP	Legal obligation

Document	Potential Data Sharing	Why do you share it?
Parental leave records	Morgwn Atkins, HMRC, DWP	Legal obligation
Statutory Sick Pay (SSP) records	Morgwn Atkins, HMRC, DWP	Legal obligation
Redundancy details, calculations of payments, refunds	Morgwn Atkins, HMRC, DWP	Legal obligation
Pensions scheme and member records	Morgwn Atkins, HMRC, DWP, Pensions Regulator, Pension Provider	Legal obligation
Records of any reportable death, injury, disease or dangerous occurrence	Ofsted, Police, LSCB, LADO & legal services	Legal obligation/Child protection/Insurance claim/Legal proceedings
Displays	No-one though may be seen by other users of setting	

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