

31. Data Protection and Confidentiality

EYFS: 3.69, 3.70

At Lawley Village Day Nursery, we recognise that we hold sensitive/confidential information about children and their families and the staff we employ. This information is used to meet children's needs, for registers, invoices and emergency contacts. We store all records in a locked cabinet or on the office computer with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence. This policy will work alongside the Privacy Notice to ensure compliance under General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) AND data Protection Act 2018.

Legal requirements

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2017 and accompanying regulations about the information we must hold about registered children and their families and the staff working at the nursery
- We follow the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR), Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

Procedures

It is our intention to respect the privacy of children and their families and we do so by:

- Storing confidential records in a locked filing cabinet or on the office computer with files that are password protected
- Ensuring staff, student and volunteer inductions include an awareness of the importance of confidentiality and that information about the child and family is not shared outside of the nursery other than with relevant professionals who need to know that information. It is not shared with friends and family, discussions on the bus or at the local bar. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement in the nursery are advised of our confidentiality policy and required to respect it
- Ensuring that all staff, volunteers and students are aware that this information is confidential and only for use within the nursery and to support the child's best interests with parental permission
- Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children's social care team decide this is not in the child's best interest
- Ensuring all staff are aware that this information is confidential and only for use within the nursery setting. If any of this information is requested for whatever reason, the parent's permission will always be sought other than in the circumstances above
- Ensuring staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs
- Ensuring staff, students and volunteers are aware of and follow our social networking policy in relation to confidentiality
- Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions
- Ensuring any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a 'need-to-know' basis. If, however, a child is considered at risk, our safeguarding/child protection policy will override confidentiality.

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) compliance

In order to meet our requirements under GDPR we will also undertake the following:

1. We will ensure our terms & conditions, privacy and consent notices are easily accessed/made available in accurate and easy to understand language
2. We will use your data when the law allows us to, most commonly, we will use your personal information in the following circumstances;
 - Where we need to perform the contract, we have entered into with you
 - Where we need to comply with a legal obligation
 - Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests
 - Where we need to protect your interests (or someone else's interests)
 - Where it is needed in the public interest or for official purposes
 - To enable the appropriate funding to be received
 - Upon consent from the parents, personal data of children will be shared with other nurseries children may attend or move to or to schools for progression and transition into the next stage of their care or education
 - Personal information will be shared with local authorities without the consent of parents where there is a situation where child protection is necessary
 - The personal information of children will be shared with the local authorities with the consent of parents for funding purposes
 - To be able to contact a parent or child's emergency contact about their child
 - The personal information of parents will be shared with local authorities with the consent of parents for funding purposes (Declaration funding form signed)
 - To report on a child's attendance
 - To ensure nursery fees are paid
 - Ofsted will be allowed access to the Nursery's systems to review child protection records;
 - To ensure we meet the needs of the children
 - To enable the appropriate funding to be received
 - Report on a child's progress whilst with the nursery
 - To check safeguarding records
 - To check complaints records
 - To check attendance patterns are recorded
 - When a child's progress report is given to its parents in order for that parent to pass the same progress report to a school for application purposes
 - Making a decision about an employee's recruitment
 - Checking an employee is legally entitled to work in the UK.
 - Paying an employee and, if an Employee is an Employee or deemed Employee for tax purposes, deducting tax and national insurance contributions (NKC's)
 - To conduct a DBS check on each employee, to record the date of this DBS check, the number of the DBS check and the name of the body conducting the DBS check.

- Providing any employee benefits to Employees
 - Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties
 - Liaising with trustees or managers of a pension agreement operated by a group company, your pension provider and any other provider of employee benefits
 - Administering the contract, we have entered into with an Employee
 - Conducting performance and/or salary reviews, managing performance and determining performance requirements
 - Assessing qualifications for a particular job or task, including decisions about promotions
 - Gathering evidence for possible grievance or disciplinary hearings
 - Making decisions about an employee; s continued employment, engagement
 - Making arrangements for the termination of our working relationship
 - Education, training and development requirements
 - Dealing with legal disputes involving Employees, including accidents at work
 - Ascertaining an Employee's fitness to work
 - Managing sickness absence
 - Complying with Health & Safety obligations
 - To prevent fraud
 - To monitor your use of our information and communication systems to ensure compliance with our IT policies
 - To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
 - Equal opportunities monitoring
3. We will not share or use your data for other purposes.
 4. Everyone in our nursery understands that people have the right to access their records or have their records amended or deleted (subject to other laws and regulations).
 5. We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Staff and volunteer information

- All information and records relating to staff will be kept confidentially in a locked cabinet
- Individual staff may request to see their own personal file at any time.

Hints and tips

For more information on data protection and to register your nursery visit

<https://ico.org.uk/>