

## CONFIDENTIALITY, DATA PROTECTION/GDPR AND INFORMATION SHARING POLICY

### CONFIDENTIALITY

It is our aim to respect the privacy of children and their families, whilst ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents/carers can share their information in the confidence that it will only be used to enhance the welfare of their children. There are record keeping systems in place that meet legal requirements; we store and share information within the framework of the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000. We will treat breaches of confidentiality as a serious matter and enforce our disciplinary procedures as detailed in the Staff Handbook.

### Procedures

- The safety, well-being and protection of the children are of paramount consideration in all decisions we make about confidentiality
- The appropriate sharing of information between staff is an essential element of ensuring the well being of children in our care. The number of situations are minimised when personal information is shared in our setting so that all children, families and staff are supported, and feel safe and able to seek help both within and outside of the setting
- We encourage regular, two-way flow sharing of information with parents/carers, and any other carer involved such as another setting or childminder. If requested, we can incorporate any information into the child's records
- Whilst we respect the wishes of parents not to consent to share confidential information, we may judge to override that decision if it is in the best interests of the child. In some cases, we stress that we can not always offer absolute confidentiality, particularly in child protection or safeguarding situations, where information may need to be shared with the police, social services, Ofsted, or other professionals
- We aim to ensure parents/carers, children and staff understand the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues
- Some parents may share information about themselves with other parents or staff. We cannot be held responsible for this
- We inform parents when we need to record confidential information beyond the general personal information we keep e.g. with regard to any injuries, concerns or changes in relation to the child or family, any discussions with parents on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection, or any contact and correspondence with external agencies
- We keep all records in accordance with the Principles of the GDPR (see below)
- Personnel information remains confidential to Management
- Personal information is stored in locking cabinets in the office, or on office computers with password protected accounts
- All students are made aware of our policies and procedures in place, and particular importance is drawn to confidentiality

### DATA PROTECTION / GDPR

We are registered with the Information Commissioner's Office (Registration No. Z3131544). We follow the requirements of the General Data Protection Regulation (GDPR) and Data Protection Act 2018. This is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data. This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with regulations. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

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

1. We will ensure our terms and conditions, privacy and consent notices are easily accessed in accurate and easy to understand language.
2. We will only use data for purposes stated on our Information Audit. We will never share or use data for other purposes.
3. We understand people have the right to access their records or have their records amended or deleted (subject to other laws and regulations), see Client Access to Records below.

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs, video clips or sound recordings.

We collect personal data every year including: staff records, names and addresses of those on our waiting list and personal information for the children and their families registered with us. In addition, we may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities, government agencies and other bodies.

The principles set out in the GDPR must be adhered to when processing personal data:

1. Personal data must be processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**).
2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (**purpose, limitation**).
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose(s) for which they are processed (**data minimisation**).
4. Personal data shall be accurate and where necessary kept up to date and every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay (**accuracy**).
5. Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the personal data is processed (**storage limitation**).
6. Appropriate technical and organisational measures shall be taken to safeguard the rights and freedoms of the data subject and to ensure that personal information are processed in a manner that ensures appropriate security of the personal data and against accidental loss or destruction of, or damage to, personal data (**integrity and confidentiality**).

Personal data shall not be transferred to a country outside the EEA, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

We are committed to maintaining the principles at all times. This means that we will:

- inform Data Subjects why we need their personal information, how we will use it and with whom it may be shared. This is known as a Privacy Notice and is in our Welcome Pack for all new children starting
- check the quality and accuracy of the information held
- ensure that information is not held longer than is necessary
- ensure that when information is authorised for disposal, it is done appropriately
- ensure appropriate security measures are in place to safeguard personal information (on paper, electronically or online)
- only share personal information with others when it is necessary and legally appropriate to do so
- set out clear procedures for responding to requests for access to personal information (see Client Access to Records below)
- train all staff so that they are aware of their responsibilities and of our relevant policies and procedures

**INFORMATION AUDIT**

<u>Data we hold</u>	<u>Why</u>	<u>Where</u>	<u>Security</u>	<u>Up to date</u>	<u>Shared with</u>	<u>Deletion – how / when</u>
Child’s / family address	Posting forms & government funding	On registration form & parental declaration form. Waiting list if not started	Locked cupboard in office	Amended by hand if new address given by parent/carer	Local authority for funding applications. Staff team (visually)	Children’s Registration forms archived for 20 years then secure disposal
Child’s birth certificate number	Required for government funding as per agreement	On registration form & parental declaration form	Locked cupboard in office	N/A	Nobody to date	Children’s Registration forms archived for 20 years then secure disposal
Parent & emergency contact numbers	For communication e.g. if child takes ill	Child’s registration form or waiting list if not started	Locked cupboard in office	Amended by hand if new number given by parent	Staff team (visually)	Children’s Registration forms archived for 20 years then secure disposal
Parent National Insurance No. & DOB	Required for applications for government funding	Parental declaration form	Locked cupboard in office	N/A	Local authority for funding applications	Six years
Parent email address	Subscribed to Teachers 2 Parents for newsletters & Tapestry	Tapestry system & T2P system & child’s registration form	See ‘Online Learning Journals’ policy for security features	Updated if parent advises change	Nobody to date	Deleted from system when child leaves
Registers of attendance	Proof of attendance	Fixed register	Locked cupboard in office	N/A	Local authority for funding audits, social services etc	Six years
Child’s accident / incident / existing injury / medication forms	Required for safeguarding	With child’s registration form	Locked cupboard in office	N/A	Parent/carer signs. Potentially safeguarding if required	Children’s Registration forms archived for 20 years then secure disposal
Child’s observations	Requirement of EYFS to record child’s learning & development	Online system - Tapestry	Password & PIN protected. Photos deleted from tablet when uploaded. Encryption etc (see ‘Online Learning Journals’ policy)	Can be accessed by Keyperson, management & parent/carer	Primary school, Health / special needs / SALT / Ofsted / safeguarding if required	Transferred to PDF for parent when leaving, then deleted from system. Records of Transfer for school given to school
Child’s SEND records e.g. referrals	Required for referrals to SEND / SALT	Individual files in office	Locked cupboard in office	By SENCO	STS, SALT, health visitor, GP	Transferred to primary school when child leaves
Child & family safeguarding forms incl. Early Help	Legal requirement	Individual files in office	Locked cupboard in office – accessible by management only	By DSL only	Safeguarding, social services, police, Early Help	Transferred to primary school when child leaves
Progress Checks at Age 2	Legal requirement	In red folder with home visit	Locked cupboard in office –	N/A	Health / special needs /	One year

		sheets	accessible by management only		safeguarding if required	
Home visit sheets	To obtain child's starting points & info about family life / needs etc.	In red folder with PCa2	Locked cupboard in office – accessible by management only	N/A	Nobody to date	Shredded after child leaves
Photographs of children	Observations & displays	On setting's tablets – never taken off site. Only first names used on displays, if at all	Password protected	Deleted after printing or uploaded	Registered user on Tapestry. People in setting seeing displays	When Tapestry deleted or if displayed, sent home when child leaves
Complaints	Ofsted requirement	Complaints folder	Locked cupboard in office	N/A	Ofsted, parents, social services etc	3 years of Ofsted – whichever is longer
Staff personal information – address, contact numbers, next of kin, DOB, national insurance number	For communication, emergency, payroll	Personnel files & Sage. Telephone book	Locked cupboard in office / Sage's security features – accessible by management only	Contact details can be amended if requested by staff	Telephone numbers shared visually with staff team in telephone book for communication	6 years after termination of employment then secure disposal. Contact details archived for 20 years
Photocopy of staff passport	Proof of Right to Work in UK	Personnel files	Locked cupboard in office – accessible by management only	N/A	Nobody to date	6 years after termination of employment then secure disposal
Photocopy of staff driving licence	Requirement of company car insurance	Personnel files	Locked cupboard in office – accessible by management only	N/A	Nobody to date	6 years after termination of employment then secure disposal
Staff Health Declaration Form	For employment law purposes & suitability	Personnel files	Locked cupboard in office – accessible by management only	N/A	Nobody to date	6 years after termination of employment then secure disposal
Adult DBS certificate numbers & issue date	Legal requirement & suitability	'All About Us' folder	Cupboard in office	N/A	Nobody to date but potentially safeguarding / Ofsted	6 years after termination of employment then secure disposal
Staff supervision & appraisal sheets	Legal requirement for supervision & suitability	Personnel files	Locked cupboard in office – accessible by management only	N/A	Nobody to date	Shredded after 2 years
Adult application forms for job vacancies &/or CVs	Recruitment	'Recruitment' folder or personnel file if employed	Locked cupboard in office – accessible by management only	N/A	Nobody to date	Shredded after 6 months (unless employed)
Contact details for students & volunteers	Communication, emergency	Individual files located next to staff personnel files	Locked cupboard in office – accessible by management only	Contact details can be amended if requested by them	Nobody to date	Archived for 20 years then secure disposal

**CLIENT ACCESS TO RECORDS**

Individuals have a right of access to their own personal information that is held about them by an organisation. This right is known as 'subject access'. Under this right, an individual is entitled only to their own personal information and not to information relating to other people (unless they are acting on behalf of that person).

- Requests for personal information must be made in writing and addressed to the Directors. If the initial request does not clearly identify the information required, then further enquiries will be made
- The identity of the requestor must be established before the disclosure of any personal information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of a valid UK passport, full UK driving licence, utility bill dated within three months with the current address, birth / marriage certificate, P45/P60, credit card or mortgage statement. This list is not exhaustive
- Any request to see a child's personal file by a known parent/carer will be granted, provided that no relevant exemptions apply to the disclosure under the GDPR / DPA 2018
- The response time for subject access requests, once officially and fully received, is 40 calendar days
- Requests for information from parents/carers for access to information classed as being part of the education record, must be responded to within 15 days
- There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. Therefore all information must be reviewed prior to disclosure
- Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another child/parent or has been provided by another agency, such as the Police, Local Authority, Health Care professional or another setting
- Before disclosing third party information, consent should normally be obtained
- Any information which may cause serious harm to the physical, mental or emotional condition of the child or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings
- Where redaction (information edited/removed) has taken place, then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why
- Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped
- Information can be viewed at the setting with a member of staff on hand to help and explain matters if requested, or provided at face to face handover
- The views of the applicant should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted, then special next day delivery or recorded delivery postal service must be used
- Records relating to individual children are retained for a reasonable period of time after they have left the setting
- If we have any queries or concerns regarding access to records or the Data Protection Act 2018 or GDPR, we can contact:  
Michelle Hunt  
The Information Resilience & Transparency Team  
Kent County Council  
Room 2.71, Sessions House,  
County Hall,  
Maidstone, Kent, ME14 1XQ  
Email: [michelle.hunt@kent.gov.uk](mailto:michelle.hunt@kent.gov.uk)  
Or [dataprotection@kent.gov.uk](mailto:dataprotection@kent.gov.uk)

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This policy was adopted at a meeting of Clocktower Childcare Ltd held on 30<sup>th</sup> August 2019. Latest date to be reviewed: 31<sup>st</sup> August 2020.

Signed on behalf of Clocktower Childcare Ltd:

*J. Law*

Jane Law, Director

*S. Wingham*

Sally Wingham, Director

*L. Baverstock*

Lara-Jane Baverstock, Director