



Data Protection, GDPR, Access to Information and Confidentiality

EYFS: 3.69, 3.70

At **Evergreen Early Years** 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 that is provided to all staff on induction, 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) 2020 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.
- We are registered with the ICO.

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. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal.

- Ensuring that all staff, volunteers and students are aware that information about children and families 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 safeguarding 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 and conditions, privacy and consent notices are easily accessed/made available in accurate and easy to understand language.
2. We will use your data to ensure the safe, operational and regulatory requirements of running our nursery. We will only contact you in relation to the safe, operational and regulatory requirements of running our nursery. We will not share or use your data for other purposes.
3. 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).
4. We will ensure staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the GDPR. This includes:

- Being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'.
- Understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

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.

DATA PROTECTION PRIVACY STATEMENT

Sharing information with others

As a nursery, it is necessary for us to collect personal information about you and your child. Sometimes we have to confirm or share information with other organisations. If we need to do this, we will make it clear to you on the forms you complete giving us the information. We will inform you before sharing any of yours or your child's information.

In some cases, a third-party organisation, such as a funding body, may require you to sign an agreement to allow your information to be shared e.g. on a funding form. Please read all paperwork thoroughly before signing, so that you know exactly how your information will be used.

Information

We will make sure that the information about you is accurate and up to date when we collect or use it. You can help us with this by keeping us informed of any changes to the information we hold about you.

Information security

We will keep information about you and your child secure. We will protect your information against unauthorised change, damage, loss or theft. All information collected on paper forms is kept locked away. All computers and tablets are password protected.

Keeping information

We will hold information about you and your child only for as long as the law says. After this, we will dispose of it securely.

- Children's records - A reasonable period of time after children have left the provision. We will follow the Local Authority procedure.
- Accidents and pre-existing injuries - If relevant to child protection we will keep these until the child reaches 25 years old.
- Safeguarding Records and Cause for Concern forms - We will keep until the child has reached 25 years old.
- Records of any reportable death, injury, disease or dangerous occurrence (for children) - As these incidents could result in potential negligence claims, or evolve into a more serious health condition, we keep records until the child reaches the age of 21 years and 3 months.
- Records of any reportable death, injury, disease or dangerous occurrence (for staff) - 3 years. Type of accidents include fractures, broken limbs, serious head injuries or where the child is hospitalised.
- Observation, planning and assessment records of children - We keep examples of our planning since the last inspection date so there is a paperwork trail if the inspector needs to see it. Information and assessments about individual children is either given to parents when the child leaves or to the next setting/school that the child moves to (with parents' permission).
- Personnel files and training records (including disciplinary records and working time records) - 7 years
- Visitors/signing in book - Up to 24 years as part of the child protection trail.

Nursery records and documentation that are not required to be kept are deleted or destroyed in line with the current data protection laws and our Privacy Notice which can be requested from the manager. If parents have a specific deletion or retention request regarding any data that we hold, please raise a query in writing and we will respond formally to your request.

Openness

We will tell you what kinds of information we hold and what we do with it.

Access and correctness

Whenever possible, we will let you see the information we hold about you and correct it if it is wrong.

In general

We will comply with the Data Protection Act (DPA) 1998 and General Data Protection Regulation 2018 (GDPR) and any subsequent legislation on information handling and privacy. We will do this through

Evergreen @ Queen's Drive Data Protection Policy. We will support you with any questions or problems that you may have with the Data Protection Act 1998, General Data Protection Regulation 2018, the Human Rights Act 1998 or the Freedom of Information Act 2000. If we cannot help you, we will give you advice on where to get the information you may need.

Our commitment

We will only collect information that is necessary for what we do. We will be fair in the way we collect information about you. We will tell you what we intend to do with the information about you. Where possible, we will collect information directly from you. If we collect information about you from someone else, we will make sure you know what information we hold on you, where possible and legal.

Types of information we collect:

- Yourself and your child's full name
- Your work address and telephone number
- Your child's date of birth
- Yourself and your child's religion and nationality
- Photographs of yourself, your child and any emergency contacts
- Your address
- Your contact numbers and addresses of your emergency contacts
- Your email addresses
- Your child's medical conditions
- In some cases, your National Insurance number
- Any court order information relating to yourself or your child
- Birth certificate or passport number including date of issue

Whilst your child is with us, we store information regarding:

- Ongoing progress and development records
- Photographs of them
- Accident records
- Medical records
- Any relevant safeguarding/child protection information (including photos if necessary)

Access to information

Parents are welcome to view the policies and procedures of the nursery which govern the way in which the nursery operates. These may be viewed at any time when the nursery is open, simply by asking

the nursery manager. The nursery manager or any other relevant staff member will also explain any policies and procedures to parents or use any other methods to make sure that parents understand these.

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>April 2022</i>	<i>L Davy</i>	<i>March 2023</i>
<i>Reviewed Oct 2022</i>	<i>L Davy</i>	<i>October 2023</i>