



Data Protection, Record keeping and Confidentiality Policy Legal Framework

GDPR (General Data Protection Regulations) 2018

Children Act 1989, 2004, 2014

Childcare Act 2006, 2010

Data Protection Act 1998, 2010

Employment Act 2002, 2010

Every Child Matters: Change for Children 2004 Freedom of Information Act 2000

Health and Safety at Work Act 1974, 1999 EYFS Welfare Requirements – Documentation

National Standards: Standard 2 – Organisation Name of Responsible Person: All staff

All information on children and adults held by Little Meadows Nursery will be treated confidentially and stored securely. Information will be checked regularly to ensure we have up to date and accurate records. This is particularly important for information such as emergency contact numbers for children in our care. All parents and carers are asked to inform the setting immediately should any of their personal details change. We seek signed permission from parents and carers to hold and store information on their child and family and information shared with any other agencies is done with written permission from parents and carers.

We have a Data Protection Officer (The Manager) who is responsible for monitoring and updating Little Meadows Nursery processing policies, procedures and practices, will report any breaches to the ICO (Information Commissioners Office), maintain a breach register and complete privacy impact assessments where required. All our staff in the settings are Data Protection Processors as they have access to data on children and their families and will receive training to understand their obligations and responsibilities for protecting data shared in the setting.

Confidentiality underpins the relationship of trust that exists between staff and parents. The need for confidentiality in discussing issues relating to children and their families is impressed on staff during their induction period and revisited periodically with the entire staff team. If any staff member is in doubt about whether an issue is confidential, they must discuss this with their Manager. No information or contact details for any child, parent, carer or member of staff is given out over the telephone under any circumstances. Parents who request other parent's details are asked to give permission for their own to be passed on instead.

Lists, records and attendance sheets are produced to support different aspects of the work of the setting. It is the responsibility of the staff to complete these promptly and accurately and to ensure they are stored safely. This is essential for registers of attendance and staff signing in records. Written records are made of all meetings as well as incidents and accidents and will be stored securely within the setting. All staff are made aware of the need to record accurate and factual information and understand the purpose for which different types of records may be kept.

Permission will be sought from parents/carers to share information on their child with other agencies and professionals involved in their child's care. Private and personal information would only be shared in exceptional circumstances without parental permission such as if it is believed a child is in immediate danger of harm.



In the interests of equality and freedom of information, as much information as possible about the vision, values, aims, objectives and day to day running of the nursery is made freely available to parents/carers and staff.

Procedures:

Storage of Confidential Information
Sharing of Confidential Information
Disposal of Confidential Information
Staff Procedure for Mobile Phones and Camera Use

Confidential Information

- Only relevant information will be sought from parents/carers and stored
- Personal information regarding children and their families, and staff records are stored in a locked office or on our secure online system which is password protected.
- Information is given out only on a 'need to know' basis
- Once information is no longer required it is placed in secure storage in archive files for the legal amount of time if required, or shredded.
- Archiving of child/family information is stored using legislation from the Childcare Act 2006 as follows: medical records on the child 30 years, accident reports 21 years 3 months, permission to administer medicine 21 years, 3 months, emergency treatment permission 21 years 3 months, registers 21 years, collection authority 21 years, records reported under RIDDOR 3 years, parent contact details 2 years, details about child 2 years.
- Personal data will be stored of prospective parents securely, and not be kept for any longer than required for the nurseries legitimate or lawful purposes. Some records have to be retained for minimum periods by law. As a general rule, when personal data is no longer needed for the purposes for which it was collected, your data will be securely and permanently destroyed as soon as practicable.
- Inspection evidence used during an Ofsted inspection must be retained for longer than 6 years if:
 - Any action relates to safeguarding
 - The setting is being monitored or regulatory action is linked to the inspection.
 - There is a potential or current litigation claim against Ofsted such as a judicial review.
 - The inspection is of a very sensitive nature or is likely to be of regional importance due to a high level of political or press interest.
 - There is an appeal against enforcement action or an ongoing complaint.
 - It has been identified for research or evaluation purposes.
- Marketing material which includes children's images with permission from their parents will be updated every five years and old images destroyed.
- Children's photos on Facebook will be stored infinitely and we will ensure parents give us permission before using any child's image.



Sharing of Confidential Information

- Personal information is to be shared only with permission from parents/carers with relevant outside agencies and professional involved in the child's care, unless there is strong evidence the child is at risk of significant harm and then relevant information on the child can be shared with the relevant authorities without first seeking parental permission.
- Staff references are usually only accepted in written form and may be followed up with a telephone call to establish credibility and accuracy. The Manager can decide to accept a telephone reference at her discretion.
- References for staff who have left us are completed only by The Manager and only basic details completed.
- Parents/carers are not given confidential information regarding any other child within the setting and identities of children are kept anonymous.
- Parents/carers who request contact numbers etc of other parents are asked to leave their own details to be passed on if wished.
- Any breach of personal data will be reported to the Independent Commissioners Office (ICO) within 72 hours of the discovery of the breach.

Disposal of Confidential Information

- Once information on a child, parent/carer or staff member is no longer required it is placed in secure storage on the premises or shredded if no longer relevant.
- This is stored for a maximum of 3 years in the setting before being archived in secure storage off the premises.
- Information that is no longer required is shredded if it contains any information that could be used to identify a child, parent/carer or staff member.

Mobile phones and Ipads

- Staff are forbidden to have their own mobile phones on their person during working hours. These must be left in the office and the nursery land line or mobile number should be given to anyone who may need to contact you in an emergency. They are permitted to their mobiles during breaks in the office. Social media should not be accessed during working hours even on breaks.
- The nursery mobile is used during walks and trips out. This will be used to take photos.
- The nursery has its own tablets which are used to record children's progress and events and upload to their online journal, our secure online system for children's records and learning journals.
- Additional information on staff using mobile phones as medical devices, see **Staff Procedure for Mobile Phones and Camera Use** below.

Screen time:

- As a setting we are aware that even the very youngest of our children have access to online data and media, so therefore any use of technology in our settings is used for



educational purposes and is limited.

- We have iPad screens which we use to support children's communication, language, EAL and children's learning of mathematics and literacy.
- We do not have TV screens in our settings, but the children will occasionally have a 'digital story' as an activity.
- Children have access to hand-held computers and programmable toys which staff monitor the use of.
- We have web blockers to ensure the children and staff can only access suitable content on the settings computers and hand-held devices.
- Staff are not able to access children's learning journals off the premises and we have systems in place to check this.
- The secure online journal system is used to maintain information on the children, their parents/carers and staff.
- Only those with a secure password are able to access the online journal and the Manager will set up accounts for staff as required.
- Parents/carers are asked to indicate which of them they would like to be set up as the 'bill payer' and this contact will receive the invoices.
- Staff who use social network such as 'Facebook' or 'Twitter' must not make reference to the nursery.
- We advise staff members not to 'add' parents as 'friends' on social network sites.
- The Manager and Deputy Manager are responsible for updates/news from the Nursery placed on Facebook. This media can be used to inform parents/carers of anything urgent happening at the setting e.g. roadworks nearby or restricted parking on site. This also helps us to reduce paper waste.
- Any conduct on social network sites which could bring the nursery into disrepute is classed as gross misconduct and could result in staff dismissal.
- All staff are subject to an exit interview when they leave the setting and are reminded of the data protection and confidentiality guidance agreed as part of their contract of employment.

Staff Procedure for Mobile Phones and Camera Use

- Staff mobile phones are stored in the office during working hours and are accessed only on staff breaks.
- Staff phones and cameras are not permitted in areas where the children are present at any time.
- The nursery has an allocated phone for staff to use during walks and trips out.
- Photographs taken using the nursery phone are not to be downloaded onto staff computers.
- Photographic images of the children are downloaded onto the tablets and are sent electronically to the parents using a secure, password protected system. All images and observations on the child are first checked by the Managers to ensure they are appropriate.
- Where a staff member needs to use their mobile phone as a medical device (e.g. track blood sugar levels), this can be used in designated areas away from children. When we leave the setting for walks the staff member will place their phone in the possession of



the most senior member of staffs bag for them to ensure that the phone is only being used for medical reason only.