

Data Protection and Confidentiality

EYFS: 3.69, 3.70

At Coin Street Nursery we recognise that we hold sensitive and confidential information about children and their families and the staff and volunteers we employ. This information is used to meet children's needs, maintain registers, issue invoices, provide emergency contacts and meet legal and regulatory requirements. We store paper records in locked cabinets and electronic records on secure, password-protected systems in line with data protection principles. Any information shared with the staff team is provided on a 'need to know' basis and treated in confidence. This policy works alongside our privacy notices to support compliance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

Legal requirements

- We follow the legal requirements set out in the current Statutory Framework for the Early Years Foundation Stage (EYFS) for group and school-based providers 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 Data Protection Act 2018 and the UK GDPR with regard to the collection, use, storage, sharing, retention and secure disposal of personal data. Where we hold information on behalf of a public authority, relevant information may also fall within the Freedom of Information Act 2000.

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 protecting the privacy of children in their care and of the legal requirements for handling information confidentially. Information about a child or family must not be shared outside the nursery unless this is necessary with relevant professionals, lawful and in the child's best interests. It must not be shared with friends or family or discussed socially outside the setting. A breach of confidentiality may result in disciplinary action and, in serious cases, dismissal. Students on placement are advised of our Data Protection and Confidentiality Policy and are required to follow it.
- Ensuring that all staff, volunteers and students understand that information about children and families is confidential and may only be used or shared for legitimate nursery purposes, on a need-to-know basis and in the child's best interests. Parental consent will be sought where consent is the appropriate lawful basis; however, consent is not required where another lawful basis applies, including where information must be shared to safeguard a child.
- Ensuring that parents and carers may request access to personal data about their child, but not information about another child. Access requests will be considered

under data protection law, taking account of the child's own rights, age, understanding and best interests, and any applicable exemptions or safeguarding restrictions.

- Ensuring all staff understand that personal information is confidential and may only be used or disclosed for authorised purposes. Before sharing information, staff must identify an appropriate lawful basis and share only information that is necessary, proportionate, relevant, accurate, timely and secure. Consent will not be sought where it is not the appropriate lawful basis or where seeking it would place a child at risk.
- 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 or evidence relating to a child's safety are recorded and kept securely and shared only with those who need the information. If a child is at risk, our Safeguarding Children and Child Protection Policy will take precedence over ordinary confidentiality. Data protection law does not prevent justified safeguarding information sharing. Staff should be open with the child and family about sharing unless it is unsafe or inappropriate to do so, seek advice if unsure, and record the decision and reasons.

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

UK General Data Protection Regulation (UK GDPR) compliance

To meet our requirements under GDPR we will also undertake the following:

1. We will ensure our terms and conditions, privacy notices and, where applicable, consent notices are easily accessible, accurate and written in clear, easy-to-understand language. Privacy information concerning children will be presented in a way that reflects their age and level of understanding.
2. We will use personal data only where necessary for the safe, operational and regulatory running of the nursery. This includes registration and admissions, attendance registers, emergency contacts, safeguarding and welfare, learning and development records, invoicing and funding, statutory returns and census reports, communications with families, and registration with the Children and Family Hub. We will identify and document an appropriate lawful basis for each purpose, use the minimum data necessary, keep it accurate, retain it only for as long as required under our retention schedule, and dispose of it securely. Personal data will not be used or shared for incompatible purposes. Further details are set out in our privacy notices.
3. Everyone in our nursery understands that individuals have rights in relation to their personal data, including the rights to be informed, obtain access, correct inaccurate information, restrict or object to certain processing, and request erasure where the legal conditions are met. These rights are not absolute and requests will be considered alongside statutory record-keeping, safeguarding and other legal obligations. Children

have data protection rights in their own right and may exercise them where they have sufficient understanding.

4. We will ensure staff have due regard to the data protection principles and understand when personal information may be shared or withheld under the Data Protection Act 2018 and the UK GDPR. This includes identifying both an Article 6 lawful basis and, where special category personal data is involved, an Article 9 condition, and following any additional Data Protection Act 2018 requirements. This includes:
 - Being confident about the lawful bases and processing conditions that permit information to be stored and shared for safeguarding purposes, including sensitive personal information that is treated as 'special category personal data'; and sharing only what is necessary and proportionate.
 - Understanding that safeguarding children and individuals at risk may provide a lawful basis and condition for sharing personal data, including special category personal data. Information may be shared without consent where there is a lawful basis, sharing is necessary and proportionate to safeguard a child, and seeking consent is not possible, cannot reasonably be expected or may place the child or another person at risk. The decision, information shared, recipient and reasons must be recorded.

Staff and volunteer information

- All information and records relating to staff and volunteers will be kept confidentially in locked storage or secure, access-controlled electronic personnel files. Access will be limited to authorised people with a legitimate need to know, and records will be retained and securely disposed of in line with the organisation's retention schedule.
- Individual staff may request access to their own personal data at any time. Requests will be handled in accordance with the UK GDPR and Data Protection Act 2018, taking account of information about other people and any applicable exemptions.

Hints and tips

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

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

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>October 2021</i>	<i>Jane Christofi</i>	<i>September 2027</i>