



Data Protection And Information **Sharing Policy**

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This policy will be reviewed annually. It will also be revised following any concerns and/or updates to national and local guidance and procedures.

Statement

We have to collect and use information about the children we care for and their families. We ensure this personal information is handled appropriately.

We regard the lawful and correct treatment of personal information as being of high importance, as is maintaining confidence between us and the families we work with.

We will ensure that we treat personal information lawfully and correctly. To achieve this, we adhere to the principles of the General Data Protection Regulation (GDPR).

This policy applies to the processing of personal data in manual and electronic records.

This policy applies to the data of all children and their families, of job applicants, existing and former employees, volunteers and student placements.

Data Protection Principles

Our records are maintained in accordance with the Data Protection Act, Human Rights Act and the Statutory Framework for the Early Years Foundation Stage

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- processing will be fair, lawful and transparent
- data is collected for specific, explicit, and legitimate purposes
- data collected will be adequate, relevant and limited to what is necessary for the purposes of processing
- data will be kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- data is not kept for longer than is necessary for its given purpose
- data will be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- we will comply with the relevant GDPR procedures for international transfer of personal data

Providers' Records

The records we keep include but are not limited to:

- Registration documents
- Children's Records

- Details of our amenities.
- Our certificate of Ofsted registration.
- Financial records.
- Risk assessments
- Employment records of all staff.

Children's records

We keep two kinds of records on children attending our setting:

- Developmental Records:

These include observations of children in the setting, photographs, video clips and samples of their work and summary developmental reports on Tapestry. These are secure online journals accessed, and contributed to, by staff, the child and the child's parents/carers. Staff are responsible for their key children's records and have to ensure they are available to be viewed at all times.

- Personal records:

These include registration and admission forms, signed consent forms, correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an on-going record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters. These confidential records are stored in a locked cabinet to which only management have access. Parents have access to the files and records of their own children, but do not have access to information about any other child.

Procedures

Processing of Personal Information

All staff and volunteers who process or use any personal information are responsible for ensuring that:

- Any personal information that they hold is kept securely
- Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party. Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.

Storage and use of personal information

- All paper copies of children's and staff records are kept in a locked filing cabinet at St Peter's Busy Bees Pre-school. Members of staff can have access to these files but information taken from the files about individual children is confidential and separate from children's Learning Journals. These records remain on site at all times and are shredded when the retention period expires.
- Information about individual children is used in certain documents, such as a daily register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, dates of birth and sometimes addresses. These records are shredded after the relevant retention period.
- St Peter's Busy Bees Pre-school collects a large amount of personal data every year including names and addresses of those on the waiting list. These records are added to the child's file and stored appropriately or shredded if the child does not attend.
- Information regarding families' involvement with other agencies is stored in paper format. This information is kept in a locked filing cabinet. These records are shredded after the relevant retention period.
- Upon a child leaving St Peter's Busy Bees Pre-school and moving on to school or moving settings, data held on the child may be shared with the receiving school with the parent/carer's consent. Such information will be personally taken by a member of staff or the parent/carer will be given the data to deliver to the receiving school.
- All computers used by staff are password protected. When a member of staff leaves the pre-school these passwords are changed in line with this policy and our Safeguarding policy.
- Any portable data storage used to store personal data, e.g. a USB memory stick, is password protected.
- We retain children's records for three years after they have left the setting, except records that relate to an accident or child protection matter. These are kept until a child reaches the age of 25 and kept in a secure place.
- Information stored on the Tapestry learning journals is transferred securely as a file to parents, on leaving the setting.
- Final assessments of the child's development are transferred to the receiving school or setting with their parent/carer's consent

- Records to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- To share information with external professionals, we gain consent from parent/carers, with the exception of information relating to a safeguarding matter.

Conversations and Meetings

Staff treat sensitive personal information given by parents with discretion, sharing with other members of staff on a need-to-know basis, for example when sharing information will help staff care for the child's individual needs.

Staff induction includes reading this policy to be aware of the importance of confidentiality in the role of the key person.

Information of a personal or confidential nature should not be discussed in a public area in front of anyone that is not an employee of the pre-school.

When meetings are being recorded it is important that only relevant information is written down. Written notes are to be stored in the locked cupboard and disposed of (shredded) according to relevant retention periods for records (see attached information for retention periods)

Pre-school employees should be aware of confidentiality, at all times, when discussions are taking place, either distancing themselves from the conversation if it does not concern them or ensuring that their discussion is not overheard by others.

All staff should respect the confidential nature of any information inadvertently overheard.

Duty to Disclose Information

There is a legal duty to disclose certain information, namely information about child abuse, which will be disclosed to Social Services, or drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.

Disposal of Confidential Material

Sensitive material should be shredded as soon as it is no longer needed, following retention guidelines and statutory requirements (see attached retention periods). Particular care should be taken to delete information from tablets or laptops if they are to be disposed of.

Retention of Data

St Peter's Busy Bees Pre-school takes care to only store personal information that is absolutely necessary. Personal information is kept for the period of time set out by the Pre-school Alliance. These retention periods are either recommended or statutory. Stored information is filed in boxes and locked in a cupboard in the pre-school. Once the retention period has lapsed, the information is destroyed by means of shredding. For retention periods please see the attached guidance.

The right of access

At any point an individual can make a request relating to their data and St Peter's Busy Bees Pre-school will need to provide a response (within 1 month). The Pre-school can refuse a request, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the Information Commissioner's Office (ICO) if they are not happy with the decision. The website to make a complaint is <https://ico.org.uk/>, or telephone 0303 123 1113

The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use, however we have a legal duty to keep children's and parents' details for a reasonable time. St Peter's Busy Bees Pre-school retain these records for 3 years after the child leaves preschool, with the exception of children's accident and injury records (kept until the child reaches 25 years) and Child Protection records (kept until the child reaches 25). Staff records must be kept for 6 years after the member of staff leaves employment, before they can be erased. This data is archived securely on site and shredded after the legal retention period.

GDPR means that St Peter's Busy Bees Pre-school will:

- only collect data if we have a lawful reason and will do it in a fair and transparent way.
- only use the data for the reason it is initially obtained.
- not collect any more data than is necessary.
- not keep it any longer than needed.
- take all reasonable precautions to protect personal data.
- ensure that the data that we collect is accurate and there are mechanisms in place to keep it up to date.

St Peter's Busy Bees Pre-school is obliged to notify the Information Commissioner's Office (ICO) of a data breach within 72 hours of becoming aware of the breach.