



## Confidentiality, Record keeping and Privacy Policy (GDPR 2018)

Happy Tots Nursery takes the confidentiality of all staff, children and families very seriously. We will only use and share confidential information when necessary to support the wellbeing of individual children. The setting will not discuss confidential information about children and their families with other parents/carers. Staff/volunteers will be briefed on the importance of maintaining confidentiality and they will not have access to any personal files or information.

We have record keeping systems in place to meet legal requirements; the means that we use to store and share that information takes place within the framework of the Data Protection Act (GDPR 2018) and the Human Rights Act (1998).

**New Data protection law (at a glance guidance in Annex1) (25 May 2018) Data Protection Officer (DPO) need to be appointed under the GDPR, at Happy Tots the Nominated Data protection Officer is Barbara Karda and in her absence Leanne Frodsham.**

*DPO responsibilities and requirements*

The DPO's responsibilities include, but are not limited to:

- Educating the nursery and its staff on important compliance requirements
- Training staff involved in data processing
- Conducting audits to ensure compliance and address potential issues proactively
- Serving as the point of contact between the nursery and GDPR Supervisory Authorities
- Monitoring performance and providing advice on the impact of data protection efforts
- Maintaining comprehensive records of all data processing activities
- Interconnecting with data subjects or parents to inform them about: how their data is being used; their rights to have their, or their child's personal data erased; the measures in place to protect their, or their child's, personal information

It is required that the DPO's information is released publicly and provided to all regulatory oversight agencies.

**Records are kept as follows:**

• **Personal Records.**

In each child's individual file will include registration and enrolment forms, consent forms, information and observations by staff on any confidential issue involving the child; for example, developmental concerns or safeguarding concerns. Also, reports or minutes that may arise from any meetings that concern the child from other agencies working with the child/family. Where a child is subject to multi-agency meetings to meet their needs, a separate file may be maintained and will be kept in a locked cabinet in a locked office. Parents/ carers with parental responsibility can access these records by applying in writing to the nursery Manager and or Proprietor. The Manager/Proprietor will reply with a written acknowledgement. There will be a minimum wait of 2 weeks before this information will be disclosed (please see Access to personal information procedure). Please note that the nursery can only share third party information with the written consent of the third party.

- **Learning and Development Records**

These include observations, assessments, photos, developmental records, and samples of the child's work. Learning and development records will be stored appropriately to ensure confidentiality within the child's room. These records can be accessed, and contributed to, at any time by staff, the child's parents and the child.

- **Staff Records**

Each team member, paid or unpaid, will have a personnel file containing personal information, emergency contact details, next of kin, recruitment information, references, induction records, training records, qualifications, supervision records; evidence of DBS (Disqualification and Barring Service). This file can be accessed by the individual to whom the file relates upon request to the management. If you wish to see this, please confirm this in writing to Happy Tots Nursery. There will be a minimum wait of 2 weeks before this information will be disclosed.

- **Children's Records**

Each child will have a file containing personal information, emergency contact numbers etc. This file can be accessed by the individual to whom the file relates upon request to the management. If you wish to see this, please confirm this in writing to Happy Tots Nursery. There will be a minimum wait of 2 weeks before this information will be disclosed.

- **Medication Records**

Individual records relating to each child/staff member detailing ongoing medication and emergency treatment with consent from parents/carers or the individual.

- **Accident, Incident and Existing Injury Records**

Individual records relating to each child/staff member detailing the nature of the accident/incident, pre-existing injuries, who dealt with it and the outcome. The record will include counter signatures where applicable. All records relating to the children and individuals who have worked with the setting whether paid or unpaid will be archived for a period in line with regulations and guidance in the EYFS (minimum of 3 years). All accident, incident and existing injury forms will be kept for a minimum of 21 years.

Happy Tots Nursery will ensure all Management /Staff/ Volunteers and Students are aware of and understand the confidentiality policy and agree to abide by it. They will be made aware that any breach of confidentiality may lead to disciplinary action.

### **Breach of Confidentiality**

- All Staff members/ volunteers/ parent helpers are expected to regard confidentiality as a duty and a responsibility.
- Any staff member who discloses information observed or heard without proper authorisation, will be subject to the setting's disciplinary procedure and this could lead to the termination of their contract.
- Action taken will correspond to the seriousness and level of the breach of the confidentiality policy; however, all cases will be treated in a serious manner. Sharing information with confidence
- Parents will have access to the records of their own children but will not have access to information about any other child.
- Personal records will be stored in a lockable filing cabinet within the provision and will be accessed only by staff members through the Manager/Supervisor.
- Information given will be shared on a need to know basis with the child's key person, other team members in the child's room and other professionals.

- Other professionals will only be contacted with the consent of the parent/carer except in cases of safeguarding (please see safeguarding policy)/ or in line with our payment, holiday and termination of place policy, where parents/ carers leave with monies outstanding.
- Issues relating to the employment of staff, whether paid or unpaid, will remain confidential to the people directly involved with making workforce decisions and those that are directly affected.
- When a child is collected by someone other than their carer/parent then the nursery staff will ensure that there is a handover of the activities undertaken. Those individuals authorised by parents to collect will not be given information of a sensitive or confidential nature, unless prior permission has been granted.

### ***Access to personal information procedure***

Parents may request access to records held on their child by following this procedure.

- Any request to see the child's personal record by a person with parental responsibility must be made to the Manager/Proprietor in writing.
- The Manager/Proprietor will reply with a written acknowledgement.
- The setting commits to providing access within 28 days.
- Happy Tots Nursery reserves the right to refuse if certain information about a child could cause harm either to the child or any other individual.
- Any third parties will be contacted in writing stating that a request for disclosure has been received, and asking for their permission to disclose, to the person making the request. Copies of these letters are retained for the file.
- Third parties, including family members, who may be referred to in the records, as well as workers from other agencies, can refuse consent to disclose, preferring the individual to go directly to them.
- When all consent/refusals to disclose have been received these are attached to the copy of the request letter.
- A copy of the file is taken.
- Where a third party has refused disclosure of information, these references will be edited and as much information supplied as is possible.
- The information will be supplied either in hard copy format or on screen.
- The child's parent/carer may verbally request to see their child's Learning Journal at any time, to read or to contribute to. This request can be made to their child's Key Person and can be accessed at any time.

### **Data Protection**

Happy Tots Nursery is required to keep and maintain records to comply with Ofsted registration and the legal requirements in the EYFS. We are aware of the requirements of the Data Protection Act 2018 and comply with the principles which state that personal data must be:

Article 5 of the GDPR requires that personal data shall be:

- "a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

Useful information and data protection registration/exemption can be found at [www.ico.gov.uk](http://www.ico.gov.uk)

\* This policy will be reviewed annually and amended according to any change in law/legislation.

<b>Policy adopted/updated on</b>	<b>Signed on the behalf of the nursery</b>	<b>Date for review</b>
<b>1st May 2018</b>	<b>Barbara Karda</b>	<b>April 2019</b>
<b>April 2019</b>	<b>Barbara Karda</b>	<b>April 2020</b>
<b>January 2020</b>	<b>Barbara Karda</b>	<b>December 2020</b>