



# Charters Ancaster Nursery and Forest School



## DATA PROTECTION (GDPR) & CONFIDENTIALITY POLICY

Reviewed By: Nursery Manager

Date approved by Directors: November 2019 Signature: \_\_\_\_\_

Date for Review: November 2020

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## General Data Protection Regulations (GDPR) Policy

The General Data Protection Regulation (GDPR) is a new EU law coming into effect on 25th May 2018 replacing the current Data Protection Act 1998. It will give individuals greater control over their own personal data. As a nursery it is necessary for us to collect personal information about the children who attend as well as staff and parents/carers.

Charters Ancaster Nursery and Forest school is registered with the Information Commissions Office, ICO, under registration reference: Z2390392 and has been registered since 23rd September 2010 the certificate can be viewed on the parent's display.

### GDPR principle

GDPR condenses the Data Protection Principles into 8 areas, which are referred to as the Privacy Principles. They are:

1. You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason it is initially obtained.
3. You must not collect any more data than is necessary.
4. It must be accurate and there must be mechanisms in place to keep it up to date.
5. You cannot keep it any longer than needed.
6. You must protect the personal data.
7. You must have appropriate measures against unauthorised or unlawful processing or personal data and against accidental loss or destruction/damage to personal Data.
8. Personal Data shall not be transferred to any outside agency or country within the EU that does not comply with the new General data protection regulations.

The GDPR provides the following rights for individuals:

- The right to be informed.
- The right of access.
- The right to rectification.
- The right to erase.
- The right to restrict processing.
- The right to data portability.
- The right to object.
- Rights in relation to automated decision-making and profiling.

There are two main roles under the GDPR; the data controller and the data processor. As a childcare provider, we are the data controller. The data is our data that we have collected about the children and their families. We have contracts with other companies to process data, which makes them the data processor. The two roles have some differences but the principles of GDPR apply to both. We have a responsibility to ensure that other companies we work with are also GDPR compliant. Family/Tapestry ??

### Lawful basis for processing personal data

We must have a lawful basis for processing all personal data within our organisation and this is recorded on our Information audit for all the different information we collect. The six reasons as follows:

- (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests: the processing is necessary to protect someone's life.

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(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

For the majority of data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage.

Some data we collect, for example, photographs, requires parents to give consent for us to do so. Where this is the case, parents will be required to sign a consent form to 'opt in' and are made aware that they have the right to withdraw their consent at any time.

We may also be required to collect data as part of parent's contract with the setting or local authority, for example, for us to claim government funding.

### Data retention

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see a copy of the Retention periods for records.

### Security

We keep data about all individuals secure and aim to protect data against unauthorised change, damage, loss or theft. All data collected is only accessed by authorised individuals. All paper forms are kept locked away and all computers and tablets are password protected.

### Privacy notices

All parents and staff are provided with **privacy notices** which inform them of our procedures around how and why we collect data, information sharing, security, data retention, access to their records and our commitment to compliance with the GDPR act 2018.

### Ensuring compliance

The member of staff responsible for ensuring that the setting is compliant is Louise Pope, Sue Ramshaw and Kirsty Coe. Their main duties are to :

- ✓ Ensure that the provision is compliant with GDPR.
- ✓ Audit all personal data held.
- ✓ Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.
- ✓ Undertake investigations when there is a breach of personal data and report to **the Information Commissions Office, ICO.**
- ✓ Keep up to date with the legislation.

### Legal framework

- ✓ The General Data Protection Regulation (2018)
- ✓ Human Rights Act 1998

### For further information See Appendices

## Confidentiality

EYFS: 3.69, 3.70

At Charters Ancaster Nursery 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 locked cabinets in line with data protection registration and any information shared with the staff team is done on a 'need to know' basis and treated in confidence.

### Legal requirements

We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) March 2014 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 (DPA) 1998 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

### Procedures

It is our intention to respect the privacy of children and their families and we do so by:

1. Storing confidential records in a locked office.
2. 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 eg it is not shared with friends and family, discussions on the bus or at the local bar. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal.
3. Students on placement in the nursery are advised of our confidentiality policy and required to respect
4. Ensuring that parents have access to files and records of their own children (but not to those of any other child,) except when relevant professionals such as the police or local authority children's social care team decide that parent access is not in the child's best interest.

5. Ensuring all staff are aware that this information about children 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 circumstances above eg( not in the child's best interest)
6. 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.
7. Ensuring staff, students and volunteers are aware of and follow our social networking policy in relation to confidentiality
8. Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions.
9. 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.

For further information See Appendices