**Confidentiality and Data Protection Policy**

Preschool is committed to the protection of all personal and sensitive data for holds and will handle such data in line with the Data Protection act (2018) and the UK General Data Protection Regulation. We are registered with the Information Commissioners office and our Data Protection Officer is Anita Robertson. We also have regard to the Freedom of Information Act 2000.

We will remain compliant under GDPR and DPA through monitoring and implementing any changes. Our legal basis for processing data is as follows:

* **Consent:** Parents/ guardians/ staff member/ students have given clear consent for Preschool to process their personal data for a specific purpose.
* **Contract**: the processing is necessary for a members of staff employment, or a student’s work placement. The processing is also needed to support the child’s education and invoicimg.
* **Legal Obligation:** the processing is necessary for Preschool to comply with the law.

All staff, students and any volunteers must treat our children’s information in a confidential manner and follow the guidelines in this policy. The requirements of this policy are mandatory for all. For staff and students on placement, failure to follow could lead to disciplinary action. There must NOT be discussions about children and families either attending or have attended Preschool with family members, friends etc, where the identify of the child or family could be known. Preschool will ensure all concerned are aware of the contents of the policy. Staff members found to have shared information with family or friends where a child or family are identified will be subject to disciplinary procedures and dismissal for gross misconduct. (See disciplinary and grievance policy).

This policy applies to all personal information created or held by Preschool in whatever format and however it is stored. Any change to the type of data processing shall be notified to the ICO. Breaches of personal data shall be notified to the individual concerned and the ICO within 72 hours.

**Personal and Sensitive Data.**

All data held by Preschool is identified as being personal and or sensitive, ensuring it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates. The definition of personal and sensitive data shall be as those published by the ICO for guidance. The principles of the Data Protection Act shall be applied to all data processed.

**Key Definitions of the Data Protection Act/ ICO:**

* Ensure that all data is fairly and lawfully processed.
* Process data for only limited purposes.
* Ensure all data processed is adequate, relevant and not excessive.
* Ensure data processed is accurate.
* Not keep data any longer than necessary.
* Process the data in accordance with the data subject’s rights.
* Ensure the data is secure.

**Fair Processing/ Privacy Notice:**

Preschool will be transparent about the intended processing of data and communicate these intentions prior to the processing of the data.

There may be circumstances where Preschool is required by law, or in the best interests of our children, families or staff to pass information on to external agencies e.g., local authority, Ofsted, other settings, schools. These all have their own policies relating to the protection of any data they receive or collect. The intention to share data relating to individuals to an organisation outside Preschool shall be clearly defined within

notifications and details for the basis of sharing. Data will be shared with external organisations where it is a legal requirement to do so.

Any proposed change to the processing of an individual’s data shall be first notified to them. Under no circumstances shall Preschool disclose information or data:

* That would cause serious harm to the child’s or anyone else’s mental or physical health or condition.
* Indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child.
* That would allow another person to be identified or identifies another person as the source, unless the person is an employee of Preschool, or has given consent, or is it reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so the person’s name or identify details are removed.
* In the form of a reference given to another potential employer, unless permission has been given to share.

**Privacy Notice**

**The categories of children’s information that we process include:**

* personal identifiers and contacts (such as name, contact details and address)
* characteristics (such as ethnicity and language)
* safeguarding information (such as court orders and professional involvement)
* special educational needs (including the needs and professionals involved)
* medical and administration (such as doctors’ information, child health, allergies, medication and dietary requirements)
* attendance (such as sessions attended, number of absences, absence reasons and any other settings attended)
* assessment and attainment (Early Years Statutory Framework and Birth to 5 Matters)
* Name of people with parental responsibility, phone numbers of emergency contacts.

**Why we collect and use Children’s information**

We collect and use children’s information, for the following purposes:

1. to provide appropriate care and environments for children
2. to support children’s emotional, learning and development needs
3. to keep children safe (food allergies, or emergency contact details)
4. to meet the statutory duties placed upon us by the Early Years Foundation Stage and other laws relevant to providing education and childcare to our children.

**How we collect children’s information**

We collect children’s information via our Admissions Form, annual Information Update form, Tapestry and Transitions Records from other settings if applicable. Children’s data is essential for the Preschools’ operational use. Whilst the majority of children’s information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain children’s information to us or if you have a choice in this.

**How we store children’s data**

We hold children’s data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please see our Confidentiality and Data Protection Policy. Personal records are kept in locked, metal cabinets within locked rooms. Only Anita Robertson and Jo Smith hold keys.

Tapestry is an on-line Learning Journal used in Preschool. Personal information, observations and assessments are stored on this secure platform. Please see <https://tapestry.info/privacy-policy.html> for their privacy notice.

**Who we share Children’s information with:**

We never share any information with any other organisation or professional without your consent unless there is a Child Protection concern where we will contact Social Services, without obtaining consent, in line with our Safeguarding Children Policy. We restrict the information we will share to the following:

* Progress reports: We will provide parents with additional copies to give to other settings if they wish. We will share the Progress report with another setting by email only if we have parental consent to do so.
* Two Year Progress Checks: We have a statutory requirement to complete these checks before child’s 3rd birthday. If as a result of these checks we identify a significant delay in development we will, with parental consent, share this information with your child’s Health Visitor.
* With consent we use the Gloucestershire County Council’s Transition record to provide development information to your child’s Primary School or another early years setting.
* For children with Special Needs, we use Gloucestershire’s County Council Graduated Pathway. We will, with consent, share information with other professionals who support the child and family such as Medical Professionals, Speech and Language Therapists, Portage workers, Physiotherapists and Occupational Therapists.

## **Why we may share children’s information**

We do not share information about our children with anyone without consent unless the law and our policies allow us to do so. We only share information with consent if we have a legal requirement to do so or if the sharing of information is the in best interests of the child and will support their well - being and development.

## Requesting access to your personal data

Under data protection legislation, parents and children (post 13) have the right to request access to information about them that we hold. Your child’s development and progress data is kept in their learning journey’s which you can access at any time. The only other data we hold is the original Admission Form, annual update form and funding forms.

You also have the right to:

* object to processing of personal data that is likely to cause, or is causing, damage or distress
* prevent processing for the purpose of direct marketing
* object to decisions being taken by automated means
* in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
* a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

## Contact

## If you would like to discuss anything in this privacy notice, please contact: Anita Robertson or Jo Smith at Preschool, [Woodmancote.preschool@gmail.com](mailto:Woodmancote.preschool@gmail.com) 07593 254049

**Data Security:**

Security of data shall be achieved through the implementation of proportionate physical and technical measures. The Head Practitioners are responsible for the effectiveness of the controls implemented.

**Data Access Requests:**

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We will respond to such requests within one month and they should be made in writing to:

Mrs Anita Robertson

Woodmancote Preschool

New Village Hall, Bushcombe Close

Woodmancote

Cheltenham

GL52 9HX.

Personal data about children will not be disclosed to third parties without the consent of parents or carer, unless it is obliged by law or in the best interest of the child.

Data may be disclosed to the following third parties without consent:

**Health Authority:**

As obliged under health legislation, Preschool may pass on information about the health of children to monitor and avoid the spread of infectious diseases in the interest of public health.

**Police and Courts:**

If a situation arises where a criminal investigation is being carried out, we may have to forward information to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

**Social Workers and support agencies:**

In order to protect or maintain the welfare of our children, and in the cases of child abuse, it may be necessary to pass personal data onto social workers or support agencies.

**Education Department:**

Preschool may be required to pass data on in order to help the government to monitor the national education system and enforce laws relating to education.

**Right to be forgotten:**

Where any personal data is no longer required for its original purpose, an individual can demand processing is stopped and all their personal data is erased by Preschool

**Photographs:**

Images of staff and children may be captured at appropriate times as part of educational activities for use in Preschool only. Images will only be shared externally, including Tapestry, website, or other communication prior permission has been obtained.

**Location of Information and Data.**

Hard copy data, records and personal data are stored out of sight, in a locked cabinet which in turn is in a locked cupboard. Sensitive or personal information should not leave Preschool; however, staff may need to transport some data between Preschool and home in order to access for work in the evenings or weekends. This may also apply if staff have to attend off site meetings. The following guidelines are in place for staff in order to reduce the risk of personal data being compromised.

* Paper copies of personal data should not be taken off site. If this cannot be avoided then the information should not be on public view and must not be left unattended.
* Unwanted paper copies of data, personal information or pupil files should be shredded. This applies to handwritten notes if there is any reference to child, staff or other adult associated with Preschool.
* Care must be taken to ensure printout of any personal data or sensitive data are not left in printer trays etc.
* If information is being viewed on a PC, tablet etc. then it must be shut down before leaving the computer etc. unattended. Sensitive information must not be viewed on public computers. Staff must logout of any accounts they are on
* Laptops, PCs, USB sticks, other forms of storage must be password protected. We use McAfee as our Internet security.

These guidelines are clearly communicated to all staff and any breach will lead to disciplinary action in line with the seriousness of the breach.

**Data Disposal:**

Preschool recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an increased area of risk. All paper copies of any data will be securely shredded and we do not hold personal information electronically.

Records are held in line with GCC guidelines and retention schedules.

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| --- | --- | --- | --- | --- |
| **Record Series** | **Trigger Point** | **Minimum retention period** | **Basis for keeping records** | **Action** |
| Accident records (children) | Childs date of birth | 25 years | Limitation Act 1980  Section 2 | destroy |
| Accident/ injury at work (staff) | Date of incident | 4 years | Limitation Act 1980  Section11 | review |
| Accounting records | End of Financial Year | 6 Years | HMRC compliance | Review, archive |
| Admission registers | Date of last entry | 6 years | Limitation Act 1980 section2 | destroy |
| Attendance registers  And Grant forms | End of academic year | 6 years | Funding | destroy |
| Ofsted reports | Superseded by new report |  |  |  |
| Policies | Superseded by new policy |  |  |  |
| Learning Journeys | Child leave | None | Support child’s learning and development | Parents advised to download and account deleted from Tapestry |
| Special Need Files | Date of birth of child | 31 years | Children and Families Act 2014, Limitation Act 1980 section 2 | Review. Records are kept in case defence of failure to supply sufficient education case. |
| Staff personnel files | End of Employment | 6 years | Limitation Act 1980 section 2 | Destroy. |