



Confidentiality and (GDPR) General Data Protection Regulation policy

This policy will be reviewed on an annual basis

Statement of intent

Pippins complies with the GDPR legislation which became effective from 25th May 2018. Privacy will remain confidential and any Data breach reported to the ICO within 72 hours.

Aim

Our consents inform staff, trustees, parents and carers about why we store data and for how long it is kept. They are also informed about how their personal information is shared. We comply with the seven golden rule of sharing information.

Methods

All data has a legal reason to be kept, complying with either the EYFS (Early Years Foundation stage statutory guidance, Ofsted requirements, Devon County Council funding requirements etc. We keep two kinds of records on children attending our setting:

Developmental records

- These include observations of children in the setting, samples of their work, summary developmental reports and records of achievement.
- They are kept in the office and can be accessed, and contributed to, by Early Years Educators, the child and the child's parents.

Personal records

- These include registration and admission forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by Early Years Educators on any confidential matter involving the child, such as developmental concerns or child protection matters.
- These confidential records are stored in a lockable file or cabinet and are kept secure by the management team.
- We comply to the GDPR eight Individual rights. No parent has access to any other information about any other child or user of the setting.
- Early Years Educator's will not discuss personal information given by parents with other early years educator's, except where it affects planning for the child's needs. Early Years Educator's induction includes an awareness of the importance of confidentiality in the role of the key person.

Other records

- Assessors from training organisations, when they are observing in the setting, are advised of our confidentiality policy and required to adhere to it.

Access to personal records

Parents may request access to any records held on their child and family following the procedure below.

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the manager
- The manager informs the chairperson of the management trustee directors and sends a written acknowledgement.
- The setting commits to providing access within 14 days - although this may be extended.
- The manager and chairperson of the management trustee directors prepare the file for viewing.

- All third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. A copy of these letters is retained on the file.
- 'Third parties' include all family members who may be referred to in the records.
- It also includes workers from any other agency, including social services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
- When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- A photocopy of the complete file is taken.
- The manager and chairperson of the management trustee directors go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
- What remains is the information recorded by the setting, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- The 'clean copy' is photocopied for the parents who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the manager, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.
- In accordance to article 3 (UNCRC 1989) **Best Interest of the Child.**

General Data protection Regulations (GDPR) 25.5.2018 Data usage demands discretion. GDPR gives staff, trustees, parents and carers eight individual rights. 1) The right to be informed. 2) the right of access. 3) The right to rectification. 4) The right to erasure. 5) The right to restrict processing. 6) The right to data portability. 7) The right to object. 8) Rights in relations to automated decision making and profiling. GDPR also sets out specific exemptions under which certain personal information may, under specific circumstances, be withheld from release. For example, a relevant professional will need to give careful consideration as to whether the disclosure of certain information about a child could cause harm either to the child or any other individual. We may have to withhold information if it brings harm to the child. It is therefore essential that all Pippins early years educators have an understanding of how GDPR laws operate. Further guidance can be found on the website of the information commissioner's office at ico.org.uk


All actions concerning the child should take full account of his or her best interests. The state is to provide adequate care when parents or others with responsibility fail to do so. All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on safeguarding of children, regarding child protection.

This policy was adopted at a meeting of Pippins Pre-school and nursery

Held on Wednesday 20th October 2021

Signed on behalf of the Management Trustee Directors

Role of signatory (e.g. chairperson etc.)



 21/10/21

 Chairperson