

**Downham Market Children’s Centre**

**Snape Lane**

**Paradise Road**

**Downham Market**

**Norfolk PE38 9JE**

**Confidentiality policy**

**Data Protection and Information Sharing**

Clackclose Pre-School is required to maintain personal data about practitioners, families and children for operational purposes, to satisfy our obligations to Ofsted and other regulatory bodies and our legal obligations.

This policy is written in accordance with the General Data Protection Regulations. The Children Act 1989 and 2004 and the Freedom of Information Act 2000.

**Designated Person (Data Protection Officer)**

The Data Protection Officer at Clackclose Pre-School is Jayne Buchan.

**Definitions**

For the purposes of this policy:-

**Processing** means obtaining, recording or holding information or data, or carrying out any other set of operations on the information or data.

**Data subject** means an individual who is the subject of the personal data or the person to whom the information relates, e.g. children, parents and employees.

**Personal data** means data which relates to a living individual which could be used to identify the individual e.g. names, addresses, admissions and attendance records and reports.

**Special category data** means highly sensitive pieces of information about people e.g. information relating to race, ethnic origin and SEN.

**Parent** has the meaning given in the Education Act (1996) and includes any person having a parental responsibility or care of a child.

**Statement of intent**

It is our intention to respect the privacy of children and their parent(s), while ensuring that they access high quality early years care and education in our Pre-School.

Clackclose Pre-School is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the General Data Protection Regulations.

**Aim**

We aim to ensure that all parents can share their information in the confidence that it will only be used to enhance the welfare of their children.

The Pre-School aim to be transparent about the intended processing of data and communicate these intentions via notification to Practitioners and parents prior to the processing of an individual’s data.

We aim to ensure personal data is: -

* obtained and processed fairly and lawfully;

The Pre-School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reason for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects’ rights to access.

* obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose;

Data collected by the Pre-school is obtained for a specified and lawful purpose. The lawful basis for the processing of the data subjects data under the General Data Protection Regulations are: -

* Article 6 a) consent - the individual has given clear consent for us to process their personal data
* Article 6 e) public task – the processing of information is necessary for the Pre-School to perform a public task in the public interest of for our official functions and the task or function has a clear basis in law.
* Article 9 a) the data subject has given explicit consent to the processing of the data for one or more specified purposes.
* adequate, relevant and not excessive for that purpose;

Data held will be adequate, relevant and not excessive in relation to the purposes for which the data is being held. In order to ensure compliance with this principle, the school will check records regularly for missing, irrelevant or seemingly excessive information. Data subjects may be contacted to verify certain items of data.

* accurate and kept up to date;

Data will be held and kept as accurate and up to date as is reasonably possible. When a data subject informs the school of a change of circumstances their record will be updated as soon as is reasonably practicable. The Pre-School will make termly checks to funding information and yearly checks to all other information to ensure it is up to date.

* not to be kept for longer than necessary;

Data will be held for no longer than is necessary for the purposes registered. Please ask to see a detailed list of the length of time data will be stored.

* processed in accordance with the data subject’s rights;

All data subjects have the following rights: -

* the right to be informed – all data subjects will be given a Privacy Notice yearly informing them of their rights.
* the right to access – all data subjects have access to their records apart from in exceptional circumstances where safeguarding laws stipulate it is against the best interests of the child to do so and/or where comments and data regarding third parties are incorporated into the child’s records. Please see below the procedure for sharing information.
* the right to rectification – as soon as the Pre-School is notified of an inaccuracy the information will be updated as soon as is reasonably practicable. The Pre-School will also inform anyone with which the inaccurate data has been shared with.
* the right to erasure – data subjects have the right to request data is erased where there is no legitimate reason for a data controller to keep it. Please see below the procedure to request deletion of data.
* the right to restrict processing – in certain circumstances data subjects have the right to restrict processing, this means that the information could be stored but not processed.
* the right to data portability; data subjects have the right to obtain and reuse personal data for their own purposes across difference services from one IT environment to another in a safe and secure way.
* the right to object; data subject have the right, in certain circumstances, to object to their data being processed. Please see below the procedure for objecting to data being processed.
* the right not to be subjected to automated decision-making including profiling – data subjects have the right not to be subjected to automated individual decision-making (making a decision solely by automated means, without any human involvement) or profiling (automated processing of personal data to evaluate curtained things about an individual). Clackclose Pre-School do not use automated decision-making or profiling.
* kept safe from unauthorised access, accidental loss or destruction – Please see below the different types of records processed by the Pre-School and how they are kept safe.
* not transferred to other countries without adequate data protection – The Pre-School will not transfer your data to anyone without a Data Protection Agreement.

The records processed at Clackclose Pre-School are:

1. Registration Records

* Registration documents contain personal data e.g. name, address, and telephone number along with special category data such as ethnicity, special education needs and details regarding health.
* These records are paper records completed by parents and include signed consent forms, proof of date of birth and parental responsibility.
* Parents telephone numbers are stored on the Pre-School mobile phone.
* All Practitioners have access to these records.
* These records are maintained by the Manager, Deputy Manager and Pre-school Administrator.

1. Attendance Records

* Attendance records contain child’s name and date of birth together with details of their attendance over a half term period.
* These records are paper records.
* All Practitioners have access to these records
* These records are maintained by all Practitioners.
* These records are overseen by the Manager, Deputy Manager and Pre-school Administratior.

1. Developmental records / Termly Reports / 24-36 month EYFS Progress Checks

* These records contain personal data including child’s name and date of birth. The 24-36 month EYFS Progress Check may also contain specific category data.
* These include observations of children in the Pre-School in line with the EYFS along with photographic evidence.
* Termly Reports are stored and shared with parents via Tapestry.
* These records are stored electronically on Tapestry. Tapestry is a secure site specifically used for this purpose.
* The Pre-School has a Data Processing Contract with Tapestry to ensure that all the data stored on Tapestry is processed in line with the General Data Protection Regulations.
* Parents have access to these records at all times.
* Parents only have access to their child’s observations and Termly Reports.
* Practitioners only have access to their key children’s observations.
* The Manager, Deputy Manager and Preschool Administrator have access to all records held on Tapestry.
* 24-36 month EYFS Progress Checks are stored as paper records in a child’s individual file and also on one of the two lap tops.
* With parental consent the Progress Checks may be shared with Healthy Child Programme team. Norfolk County Council’s Achievement and Early Years Services and Children’s Centres.

1. SEN Records / Behaviour Records

* These records contain personal data including child’s name and date of birth, parent’s names and addresses, details concerning the child’s medical health.
* These records include reports, minutes from meetings/conversations with parents or outside agencies concerning the child, an on-going record of relevant contact with parents, and observations by practitioners on any confidential matter involving the child, such as developmental concerns or behaviour records.
* Parents have access to the files and records of their own children but do not have access to information about any other child.
* These records may be paper based or stored electronically on a laptop.
* The Manager, Deputy Manager, SENCO, Preschool Administrator and Key worker of the child have access to this data.

1. Safeguarding Records

* Safeguarding records contain personal data
* The SLP, Manager, Deputy Manager, Preschool Administrator and Key Worker have access to these files.
* Other Practitioners may be given certain information where it is absolutely necessary.
* Documents in a safeguarding file will not be made available if it is considered to be detrimental to the child’s safety.
* Any child related information which is deemed as vital evidence regarding child protection will be securely forwarded and where possible delivered in person to future settings on receipt of a signed Data Processing Agreement.

1. Fee Payment / Funding Records

* These records contain personal data. Early Education Funding records also contain special category data.
* Early Education Funding forms are completed by parents and retained by the Pre-School.
* Details from the Early Education Funding forms are sent to the local authority via a secure portal.
* The Pre-School has a Data Processing Agreement with the local authority.
* As part of the Early Education Funding form parents give consent for this information to be processed and shared with the local authority.
* All bills are stored on one of the two laptops.
* The Manager, Deputy Manager and Preschool Administrator have access to the bills.
* Paper records of the payment of any bills are stored by the Pre-School.
* Bank statements including any payments made by BACCS are stored by the Pre-School.
* These records may be shared with the accountant. The Pre-School have a Data Processing Agreement with the accountant.

1. Accident/Incident Records

* These records contain personal data.
* These are paper records.
* One copy of the Accident/Incident record is stored in the child’s individual file.
* A second copy of the Accident/Incident Record is kept in a central file.
* Parents are given a copy of all Accident Records.
* Parents have access to the forms relating to their child.
* All Practitioners have access to these records.
* The Manager and Deputy Manager monitor these records.

1. Employee records

* These records contain personal data and may contain some special category data.
* These records include documents compiled during the application process, induction information, references, and training information.
* They are stored as paper records. There may be some limited information stored on one of the two laptops.
* Practitioners have access to their own personnel file but do not have access to anybody else.
* The Committee, Manager, Deputy Manager and Preschool Administrator have access to all personnel files.

**Paper Records**

* These confidential records are stored in a lockable file or cabinet and are kept secure.
* All Practitioners have access to registration documents and the files of their key children.
* The Manager, Deputy Manager and Preschool Administrator have access to all files.
* The cabinets are monitored by the Manager and Deputy Manager.
* Paper records are destroyed by being shredded.

**Records Stored on Tapestry**

* Each Practitioner has a password to log into Tapestry.
* Practitioners can only see observations relating to the children in their room. They are not able to view any other information relating to the child or their parent(s).
* The Manager, Deputy Manager and Preschool Administrator are able to input and view all information relating to the child and their parent(s).
* Passwords are changed termly, in the event of a Practitioner leaving or if there is the possibility that a password has been breached.
* Tablets are only taken home in exceptional circumstances and are used in accordance with the Tapestry Policy and the E-Safety Policy.
* Tablets are stored in locked cabinets when the Pre-School is closed.

**Records stored on tablets / laptops / External Hard Drive**

* There are 7 tablets (one for each Practitioner) and 2 laptops (one for the manager and one for the deputy manager). Each has its own password known only to the user.
* Passwords are changed termly, in the event of a Practitioner leaving or if there is the possibility that a password has been breached.
* All photos are deleted from all devises once they have been uploaded to Tapestry or printed off.
* Any documents stored on the laptop containing personal data or specific category data are stored as an encrypted document or as part of an encrypted file.
* Documentation stored on the laptop is accessible by the Manager, Deputy Manager and Preschool Administrator.
* Tablets/laptops are only taken home in exceptional circumstances and are used in accordance with the Tapestry Policy and the E-Safety Policy.
* Tablets/laptops are stored in locked cabinets when the Pre-School is closed.
* Laptops are backed up using an External Hard Drive.
* Tablets, laptops and computers are wiped clean and destroyed in the appropriate manner using a company who destroys them in accordance with the ICO guidelines <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control>.

**Records stored on the Pre-School mobile phone**

* A contact telephone number for the parents of each current child is stored on the Pre-School mobile phone.
* The Pre-School mobile phone is password protected.
* Passwords are changed termly, in the event of a Practitioner leaving or if there is the possibility that a password has been breached.
* All Practitioners have access to the Pre-School mobile phone.
* The Pre-School mobile phone is taken on trips and outings for use in emergencies.
* The Pre-School mobile phone is taken in the event of a Pre-School emergency.
* When the Pre-School is closed the Pre-School mobile phone is stored in a locked cabinet.
* When a child leaves the Pre-School their contact telephone number is wiped from the Pre-School mobile phone.
* Mobile telephones are wiped clean and destroyed in the appropriate manner using a company who destroys them in accordance with the ICO guidelines <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control>.

**E-mails**

* The E-mail addresses of each parent are stored on the google account.
* When a child leaves the parents e-mail address is deleted.
* When group e-mails are sent they are sent using the BCC option ensuring all in e-mail addresses are kept confidential.
* E-mails do not contain personal or specific category data.
* In circumstances where it is necessary to send an e-mail containing personal or specific category data this is done as an encrypted e-mail.
* The e-mail account is password protected.
* The password is changed termly, in the event of a Practitioner leaving or if there is the possibility that a password has been breached.
* Only the Manager, Deputy Manager and Preschool Administrator have access to the e-mail account.

**Practitioners**

Practitioners working in the Pre-School: -

* will not discuss personal data given by parents with other practitioners, except where it affects planning for the child's needs.
* will undertake an induction which includes training on the importance of confidentiality and data protection.
* have signed an agreement to follow the Pre-School Confidentiality and Data Protection Policy.
* will not discuss or pass on any information relating to the child without written permission unless it is required by law or it is in the best interests of the child’s safety or wellbeing.
* will not give information telephonically except in exceptional circumstances in the case of a missing child to the police, in the case of illness to the hospital, to the known social worker or other related and agreed external professionals.
* will not give information or seek advice from other professionals without the parent/carers written permission
* will allow Ofsted access to the records of children.
* will pass children’s data on to other agencies such as Primary Schools, Local Authorities or Children’s Services with parent/carers written permission and a Data Processing Agreement with the recipient.
* will share data relating to other Practitioners with the Local Authority Designated Officer in the event of safeguarding concerns.
* will check that any personal date they provide/receive is accurate and up to date.
* informing the Manager/Deputy Manager/Data Protection Officer of any changes to the information they have provided / been provided with.
* ensuring that all data and records of children, families and Practitioners are kept securely and in line with this policy and any other relevant policies.

**Students / Volunteers**

Students/volunteers: -

* Students / volunteers, who attend the Pre-School are given a copy of our Confidentiality Policy along with training as part of their induction. They are asked to enter into an agreement whereby they will comply with the Policy.
* Confidential Information is not discussed with or in front of students / volunteers.

**Procedure for Sharing Information**

A data subject may request access to any records held on themselves / Parents may request access to any records held on their child and family following the procedure below.

* A written request should be made the Data Protection Officer.
* The Data Protection Officer will acknowledge the request within 5 days.
* The Data Protection Officer will 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 ('Third parties' include all family members who may be referred to in the records). A copy of these letters are retained on the file.
* all consents/refusals to disclose are attached to the copy of the request letter.
* a photocopy of the complete file is taken.
* Any third party information which has been refused will be removed. 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 Pre-School, 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 data subject / parents who are then invited to come in and view the file with the Data Protection Officer.
* The clean copy will be ready for viewing no more than 28 days after the initial request.

**Procedure for requesting erasure**

Data subjects / Parents may request the erasure of any data where there is now legitimate reason for keeping it.

* A written request should be made the Data Protection Officer.
* The Data Protection Officer will acknowledge the request within 5 days.
* The Data Protection Officer will prepare the file for viewing in accordance with the above procedure.
* The Data Protection Officer will go through the ‘clean copy’ with the data subject / parent to explain which data needs to be stored, the reason why and for how long. They will also show the data which can be erased.

**Procedure for objecting to processing**

In certain circumstance it is possible to object to the processing of information

* A written request should be made the Data Protection Officer.
* The Data Protection Officer will acknowledge the request within 5 days.
* The above procedure will be followed to produce a ‘clean copy’.
* The Data Protection Officer will make an appointment to go through the file with the data subject / parent in order to explain why the information is stored and processed.

**Social Media**

Social media is a part of modern society and widely used by many people, but the pre-school will not tolerate any misuse of social media websites for trying to obtain information relating to any child or family attending preschool or any practitioner. It is also unacceptable to write or post anything that is detrimental to the preschools or an individual’s reputation. Cyber bullying will also not be tolerated. Any posts or messages either on private accounts or open forums relating to any other person related to the preschool, will be reported and removed by the platform used.

It is unacceptable and unlawful to write about or post pictures of any child/practitioner other than your own without prior consent. It is unlawful to try and obtain or disclose private data regarding children/parents/practitioners and a breach of Data Protection.

If you have any queries, or concerns you would like to discuss or more information on, social media platforms are not the appropriate manner to do so. Please speak to Jayne Buchan (Manager) or Sara Bragg (Deputy Manager) and they will assist you the best way they can.

Any social media communications or content you publish that causes damage or potential damage to the setting, employees, children or families that attend the setting may result in your child’s place being terminated.

**Data Breach**

In the event of a data breach the Data Protection Officer will: -

* Fully document the breach.
* notify the data subject(s) within 72 hours.
* notify the data controller within 72 hours.
* ensure all information, evidence is maintained for the necessary authorities.

The Pre-School is not required to register with the ICO. If it becomes a requirement the Pre-School will register with the ICO.

**Other Relevant Policies**

Please also see the following policies: -

* Safeguarding policy
* E-safety Policy
* Tapestry Policy
* **Review Date: September 2024**