

Data Protection and Confidentiality

EYFS: 3.69, 3.70

At Wood St Nursey we recognise that we hold sensitive/confidential information about children and their families and the staff we employ. We have therefore designed our administration systems, policies and procedures to ensure confidentiality and data protection is at the heart of the nursery from its inception. This is commonly known as data protection by design.

This policy deals with the data controlled by Wood St Nursery which includes all information we manage about staff, volunteers, and children and their families. This information is used to meet children's needs, for registers, invoices, payroll, safeguarding, and emergency contacts. We store confidential records on password-protected encrypted hard drives, in password-protected encrypted cloud storage in line with data protection principles, or in locked filing cabinets at the nursery site. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence.

This policy will work alongside the Privacy Notice to ensure compliance with General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) and Data Protection Act 2018.

Roles and responsibilities

- Wood St Nursery is registered with the Information Commissioner's Office as a Data Controller. The data protection officer (DPO) at Wood St Nursery is Elizabeth Oliver. The primary role of the DPO is to ensure that the nursery processes the personal data of its staff, families, providers or any other individuals in compliance with the applicable data protection rules.

Legal requirements

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2014 updated April 2021, 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 General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR), Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

Data and data storage at Wood St Nursery

We hold the following:

- Information about children and their families as is required for registers, day to day care, health care, emergency care, fee payment, and information sharing. This includes names, birth dates, addresses, contacts, health and diet, doctor etc. This information is held in digital format on our software *Family* where it can be accessed by staff who are employed by the nursery, have a DBS check, and a password and pincode to log on to Family. Staff log on and log off the tablet when they use it. For more information on Family see below.
- Information about children's day-to-day life, learning and development. This includes photographs, videos, observations and EYFS tracking data. This information is held in digital format on our software Family. It can be accessed by staff who are employed by the nursery and have a password and pincode to log on to Family. For more information on Family see below.

- Information about staff including dates of birth, address, health, DBS status, references, emergency contacts, past education and employment, C.V.s, application form and interview responses. This data is held in folders in password-protected encrypted cloud storage. In this folder, we have a single central record with data on all staff required for statutory compliance. Within this folder, we also have a separate personnel folder for each staff member holding data for recruitment, proof of identity, qualifications and payroll purposes.
- Contractual and Safeguarding information about children and their families. This is held in paper format in a locked cupboard.

We retain children's records until our next Ofsted inspection, or for three years after a child leaves our nursery, whichever is the soonest. However, we will preserve data for longer if the law requires us to for child protection, FEEE contract or SEND reasons.

Personal information on staff and families is only used in relation to our childcare service.

Individual staff may request to see their own personal file at any time.

Families may request to see their data at any time.

If we accidentally lose, destroy or share (give unauthorised access to) personal data at Wood St Nursery, then we will report this breach of the regulations to the Information Commissioners Office (ICO).

Procedures

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

- Ensuring that key workers are aware that private and confidential discussions with parents can be carried out in the office.
- Ensuring only managers have access to all data held by the nursery, by using password protection and access coding on all files and software. Only managers have the keys to the filing cabinet. Select data is accessible to all staff or keyworkers only via the Family app available on nursery tablets.
- Storing confidential records on password protected encrypted hard drives, or in password protected encrypted cloud storage.
- 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. It is not shared with friends and family, discussions on the bus or at the local bar or anywhere else. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement in the nursery are advised of our confidentiality policy and are required to respect it
- Ensuring that all staff, volunteers and students are aware that all information about children and their families is confidential and only for use within the nursery and to support the child's best interests, with parental permission
- Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children's social care team decide this is not in the child's best interest
- 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
- Ensuring staff, students and volunteers are aware of and follow our social networking policy in relation to confidentiality
- Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions

- Ensuring any concerns/evidence relating to a child's 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.

General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) compliance

In order to meet our requirements under GDPR we will also undertake the following:

1. We will ensure our terms & conditions, privacy and consent notices are easily accessed/made available in accurate and easy to understand language
2. We will use data only for the benefit of the child and only contact parents/carer with regard to the needs and interests of their child. We will not share or use data for other purposes.
3. Everyone in our nursery understands that people have the right to access their records or have their records amended or deleted (subject to other laws and regulations).

Data protection at Famly

Famly is fully compliant with the EU's General Data Protection Regulation (GDPR). On top of this, our server provider Amazon Web Services (AWS) has been approved in accordance with the EU Data Protection Directive.

This is the directive that protects individuals with regards to the processing of personal data and on the free movement of such data (also known as Directive 95/46/EC). Broadly, this directive sets out a number of data protection requirements, which apply when personal data on EU citizens is being processed.

For more information on data protection at Famly:

<https://www.famly.co/security-and-legal>

For more information on data protection in general visit:

<https://ico.org.uk/>