

66. Data Protection and Confidentiality

EYFS: 3.69-3.72, 3.80

At Ridgemount Cottage Nursery School 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 a locked cabinet or on the office computer with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence. This policy works alongside the Privacy Notice to ensure compliance under General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) and Data Protection Act 2018.

Legal requirements

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 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.

Procedures

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

- Storing confidential records in a locked filing cabinet or on the office computer with files that are password protected
- Ensuring staff, student and volunteer inductions include an awareness of the importance of the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. This includes ensuring 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, or part of any social discussions outside of the setting.** 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 required to respect it
- Ensuring that all staff, volunteers and students are aware that information about children and 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 all staff are aware that this information 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 safeguarding circumstances above

- 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 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.

Staff data

Details of staff contact details, references, bank accounts and payments are stored in a locked cupboard in the main office. The information is only "shared" for HMRC, safeguarding or other legitimate purposes or with written consent.

- Employment records kept for 3 years – for litigation reasons
- Payment records kept for 7 years – for HMRC reasons.

Pupil's data

In general children's personal data is erased 6 weeks after the pupil leaves Ridgemount Nursery.

This period is to allow accurate records to be forwarded to other settings and schools to which children/ staff transfer.

- SEN records kept for 1 year.
- Accident records kept until the "child" is 21 years old.
- Safeguarding records are kept for 6 years after last contact with the service.

Records of any reportable death, injury, disease or dangerous occurrence are kept for 3 years.

DATA SUBJECTS' RIGHTS

Information held can be reviewed following the correct personal identification.

This does not extend to

- documentation that may be the subject of a social services enquiry or
- where it may prejudice a child's safety.

ARCHIVED DATA ~ hard copies kept in locked storage area.

Ridgemount Cottage Nursery Ltd may **retain data** where there is a regulatory obligation to do so or, importantly, where we may need the data to establish a legal defence in the future.

DBS certificates are not kept on file. The information stored is:

- A confidential record of the date the check was completed
- The level and type of check
- The reference number of the certificate
- The decision about whether the person was employed (with reasons).

BREACH NOTIFICATION

Breaches of personal data will be reported to the DPO.

The DPO will then identify, manage and resolve any personal data breaches.

The Information commissioner's Office (ICO) will be notified of a data breach within 72 hours of becoming aware of the breach.

Notification will include

- ✓ Description of the breach, including numbers and categories
- ✓ A contact name and details
- ✓ An assessment of the likely consequences
- ✓ The measures taken to mitigate or remedy the situation

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 your data to ensure the safe, operational and regulatory requirements of running our Nursery, these include children and family information, SEND and Safeguarding information, Referrals made to other agencies. We will only contact you in relation to the safe, operational and regulatory requirements of running our Nursery, these include if your child is sick and requires collecting, if the nursery needs to close due to unforeseen circumstances, to report and accident or incident or reporting safeguarding concerns. We will not share or use your data for other purposes. Further detail can be found in our GDPR policy [insert document name].
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).
4. We will ensure staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the GDPR. This includes:
 - Being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data.'
 - Understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

Staff and volunteer information

- All information and records relating to staff/volunteers will be kept confidentially in a locked cabinet
- Individual staff may request to see their own personal file at any time.

ERASURE OF DATA ~

This may be done on request, where reasonable grounds exist.

It will automatically be done within the time frames listed above.

NDNA Hints and tips

For more information on data protection and to register your nursery visit <https://ico.org.uk/>

Why not include the location of your data protection certificate and link this policy to your access and storage of information policy?

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>November 2024</i>	<i>N Hendry</i>	<i>November 2025</i>