

## **Verwood Day Nursery Policy 13**

### **Confidentiality and Protection of Data**

#### **Statement of intent**

At Verwood Day Nursery 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 office 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 will work 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) 2017 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 regarding the storage of data and access to it.

#### **Aim**

Verwood Day Nursery regards the lawful and correct treatment of personal information as particularly important to the successful and efficient performance of its functions and to maintaining confidence between those with whom we deal and ourselves. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.

Verwood Day Nursery will, through appropriate management and adherence to agreed procedures:

- Observe fully the conditions relating to the fair collection and use of personal information
- Meet its legal obligations to specify the purposes for which the information is used
- Collect and process appropriate information, but only that which is necessary to its operational needs, or meets legal requirements
- Ensure the quality of information used
- Apply strict checks to determine the length of time information is held and to ensure that it will be disposed of when no longer required with due regard for its sensitivity
- Ensure that the rights of people about whom information is held can be exercised. These include the right to be informed that processing is being undertaken, the right to access one's personal information, the right to correct, rectify or erase information which is regarded as incorrect.
- Take appropriate technical and organisational measures to safeguard personal information

## Method

Verwood Day Nursery will ensure that everyone managing and handling personal information understands that they are responsible for following good data protection practice and respect confidentiality through appropriate training and supervision.

*In order to achieve this, we:*

- ensure that records kept on each child are kept as confidential information shared only with parents or other professionals
- make sure that these records stay on the nursery premises at all times
- make staff aware that names, addresses and telephone numbers of parents or staff cannot be divulged to others without permission from the person concerned
- make staff aware that they cannot discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs.
- conduct staff inductions that include an awareness of the importance of confidentiality in the role of a key person.
- ensure that the awareness of the needs for confidentiality is reinforced at all times in the setting and is integral to the staff's role
- keep any concerns/evidence relating to a child's personal safety in a secure, confidential file and these are shared with as few people as possible on a 'need-to-know' basis.
- ensure that information about a child may be shared without consent if it is felt that a child is at risk of significant harm or danger.
- ensure that issues to do with staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions
- require all visitors to sign in to and out of the building
- ensure the building and outdoor areas remain secure at all times
- ensure that all written confidential information is contained in within the lockable nursery office
- ensure there is password protection on all computers containing information and data
- ensure all passwords are restricted to management only
- ensure that other staff, visitors, and parents do not have access to any machines holding data
- require all information to be regularly backed up
- ensure that all data is protected by antivirus and firewall systems
- ensure that the building is locked, and security system activated when the premises are empty
- allocate keys to named people only together with relevant pass codes for access
- ask for consent for the use of written, photographic, and filmed observations and assessments to be carried out. (**policy 14**)
- obtain written consent for the use of photographs within the nursery (**policy 14**)
- obtain additional consent for the use of photographs for advertising purposes (**policy 14**)
- ensure that all staff and students are aware of and agree to adhere to this policy

The management of Verwood Day Nursery is responsible for the implementation of this policy and its registration with the Information Commissioners Office (ICO) and adherence to the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) set out under the legal requirements of its registration.

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

- 1) We will ensure our terms and conditions; privacy and consent notices are easily made available in accurate and easy to understand language.
- 2) We will use data only for the purpose for which it is intended. We will not share or use data for any other purpose.
- 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).

All undertakings of this policy are subject to the paramount commitment of the nursery, which is to the safety and well-being of the children and staff within it.

### **NHS Track and Trace – Covid-19**

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace Service.

Therefore if required to do so by the NHS Track and Trace Services, Verwood Day Nursery will provide the contact details of all children and adults that have been in close contact with anyone that has tested positive for Covid-19 within the setting.

This is in accordance with Article 6(1)(e) of the GDPR '*processing is necessary for the performance of a task carried out in the public interest*'.

For more information please see the following government guidance.

<https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works#how-nhs-test-and-trace-service-works>

<https://contact-tracing.phe.gov.uk/help/privacy-notice>

This policy is set out in Compliance with The Statutory Framework of the Early Years Foundation Stage (2017) safeguarding and welfare requirements> 3.69 and 3.70 and the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR), Data Protection Act 2018, the Freedom of Information Act 2000 and all regulations set out within those acts.

Updated 3<sup>rd</sup> June 2020

Next Review 3<sup>rd</sup> June 2021

Updated on behalf of The Day Nursery Group by **Craig Dyer**

Signature .....Date.....

Agreed by registered person **Neil Dowden**

Signature .....Date.....

Adopted by the Nursery Manager:

Signature .....Date.....