



Confidentiality and Data Protection Policy

Statement of intent

It is our intention to respect the privacy of children and their parents/carers, while ensuring that they access high quality nursery care and education.

This policy defines the arrangements in the Nursery that assures compliance to the requirements of the Data protection Act, 1998, as relevant to the Nurseries Business interests.

The Data protection act, 1998, addresses certain requirements for all organisations that collect and process personal data as part of their ongoing business operations. Personal data is defined by: any information relating to an identifiable living individual and will therefore apply to the Nurseries clients (children attending the nursery, and their parents /carers), employees and committee members.

The data protection act 1998 applies to any data recorded in a filing system that allows personal data to be easily accessed.

The data protection act 1998 applies to records kept in hard copy (paper) and in computer files.

We 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. We also ensure that any data we hold is accurate, up to date and not excessive. It is kept securely and disposed of by shredding after the statutory periods for keeping data are expired.

We meet the criteria of the Human rights act 1998 with regard to protecting the individual's right to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent crime or disorder.

We have regard to the common law duty of confidentiality and only share information with other professionals or agencies on a need to know basis with consent from parents, or without their consent in special circumstances to do with child protection and safe guarding.

We are registered with the information Commissioners Office (I.C.O).

We keep two kinds of records on children attending the Nursery:

Personal records- which include registration forms , medical forms, consent forms, correspondence regarding the child or the family from other agencies, developmental concerns or child protection matters.

These files are only available to staff. Parents have access to all written information about their child (except where data protection law stipulates it is against the best interests of the child to do so).

A written request must be made for personal files on the child. Parents do not have access to files on any other child.

Staff will not discuss personal information given by parents with other members of staff except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key carer.

Developmental records- These include the observations of children in the nursery samples of their work summary development reports and photos.

Each child has an individual online file. This file is only accessible by key carers and the manager, and their own parents via a secure password system.

*see (**Online learning journal policy**).

Information sharing

There are times when we are required to share information about a child or their family.

These are times when

- There are concerns a child may be suffering significant harm.
- The reasonable cause to believe a child is or may be suffering considerable harm is not clear.
- There are concerns about serious harm to adults (such as domestic violence or other matters concerning the welfare of parents).

We explain to families about our duty of care and our duty to share information for the above reasons.

We do not seek consent from parents to share information where we believe that a child or sometimes a vulnerable adult may be endangered by seeking to gain consent. For example where we believe that a parent may try to cover up abuse, or threaten a child.

Other records

Issues to do with employment of staff, whether paid or unpaid remain confidential to the people directly involved in making personnel decisions; in this case the manager and the management committee.

Students when in the setting are advised of our confidentiality policy and are required to respect it.

Retaining records.

Certain records may have to be retained by the nursery in accordance with the data protection act 1998.

- Child accident records 27 years.
- Staff application and interview records 7 years
- Registers, registration and medical forms 21 years
- Child protection and Sendco documents 21 years

Other policies linked to this policy:

Child protection and safeguarding

Mobile devices policy

Online learning journal (Tapestry) policy

Social networking policy

Legal framework

- **Children’s Act (1989)**
- **Protection of children act(1999)**
- **Data protection act (1998) revised 2016**
- **The children act (Every child matters 2004)**
- **Safeguarding vulnerable groups Act (2006)**
- **Department for Education Keeping children safe in Education(2016)**

This Policy was Adopted at a meeting of Jigsaw Committee on : (date).....

Signed on behalf of the committee.....

Print name

Role of signatory: Chairperson