

## Confidentiality Policy

This policy has been developed using guidance from:

- Surrey Early Years Educational Effectiveness Team,
- Data Protection Act 2018
- General Data Protection Regulations (GDPR), May 2018,
- Information Commissioners Office (ICO),
- Safeguarding and Welfare Requirements for the Early Years Foundation Stage 2023.
- Information Sharing - Advice for Practitioners providing safeguarding services, to children, young people, parents and carers (July 2018).

Throughout the policy whenever the 'Management team' is referred to this means Kate Rice and Kelly Haines.

Bus Stop Pre-School understands the importance of keeping all confidential information and records about staff, parents/carers, children, volunteers, students and visiting practitioners in a safe and secure place. The information is only accessible and available to those who have a right or professional need to see them for example Ofsted. Bus Stop Pre-School will never give out or sell personal information to a third party, unless it is relating to a safeguarding concern, if it is a requirement by the government or law enforcement agency, or when prior permission has been given.

Kelly Haines is the named registered Data Controller with the ICO. Kelly Haines is the Data Protection Officer for the setting and has completed a GDPR workshop, February 2018. It is the responsibility of the Data Protection Officer to ensure the setting meets the requirements of the GDPR, 2018 and to liaise with statutory bodies when necessary and to respond to access requests. The Data Protection Officer also updates staff, students, volunteers and visitors of any changes to the Data Protection regulations and confidentiality breaches through staff meetings, verbally and by email. During Staff Supervision meetings, staff are reminded of the Pre-School confidentiality policy.

Bus Stop Pre-School is aware of the responsibilities under the GDPR and where relevant the Freedom of Information Act 2000 and the Early Years Foundation Stage Statutory Framework, 2023 (EYFS). Bus Stop Pre-School understands that if there is a data breach, it is the responsibility of the settings Data Protection Officer to report this within 72 hours to the ICO and to also carry out an internal investigation.

Bus Stop Pre-School is signed up to the Surrey Multi-Agency Information Sharing Protocol (MAISP) and understands their responsibilities under the protocol. (See 10

Golden Rules displayed by telephone/ See Red Safeguarding folder in office and 7 rules of the Information Sharing - Advice for practitioners, 2018).

During the Induction procedure for staff, parents/carers, students, volunteers and visitors they are made aware that Bus Stop Pre-School communicates information, updates and reminders by email. It is explained that all emails are BCC and only the Management team are able to send/receive emails from the Bus Stop email account. Bus Stop Pre-School is signed up to Egress, which ensures when sending emails containing confidential information this is carried out securely.

Permission to hold contact details and information and permission to communicate by email is asked for from staff, parents/carers, students, volunteers and visitors during the Induction procedures. Parents/carers and Staff, volunteers, students and visitors read and sign a Privacy Notice. The Privacy Notice clearly explains how information is used, stored and shared.

Information and records relating to children and all adults are stored in the Office and the Office is locked at night, at weekends and during school holidays. The Management team are key holders for the Office. Parents/carers, staff, volunteers, students and visitors are made aware of this procedure during the Induction procedure and through the Privacy Notice.

Bus Stop Pre-School may share parent/carer, staff, volunteer, students, visitors and children's personal information with other organisations if it is relating to a safeguarding concern, Early Years funding, if it is a requirement by the government or law enforcement agency or when prior permission has been given for example, for Special Educational Needs and Disability (SEND), when communicating with a child's shared setting or checking a staff members job reference.

Parents/carers, staff, volunteers, students and visitors have the right to see the information that is held about them and their child and they are able to ask for any errors to be corrected. This request can be made verbally or in writing to see the information held. Bus Stop Pre-School has one month to respond to this request. Bus Stop Pre-School is able to refuse a request for example, if it is relating to a safeguarding concern and will explain our position to the person who made the request.

Parent/carers, staff, volunteers, students and visitors can request that the information held about them and their child is deleted. This request can be made verbally or in writing. Bus Stop Pre-School has one month to respond to the request. Bus Stop Pre-School is able to refuse a request for example if it relates to a

safeguarding concern and or a legal requirement under GDPR 2018 and or the EYFS, 2023 Statutory guidance.

When requesting that information is deleted, parents/carers must be aware that:

- Bus Stop Pre-School will not be able to continue to care for a child if they do not have sufficient and appropriate information about them.
- Even after a child has left the setting, Bus Stop Pre-School has a statutory duty to retain some types of data for a specific period of time and that this timescale depends on the information collected for example, children's Accident/Incident forms must be retained for 21 years and 3 months.

When requesting that information is deleted staff members must be aware that:

- Bus Stop Pre-School will not be able to continue to employ a staff member if we do not have sufficient and appropriate information about them.
- Even after a staff member has left employment at the setting, Bus Stop Pre-School has a statutory duty to retain some types of data for a specific period of time and that this timescale depends on the information collected.

If a request to access/delete information is made, the Data Protection Officer will discuss with the Management team and a decision will be made if the request to access or delete can be granted or declined depending upon the information requested to be viewed/deleted and the statutory duty of Bus Stop Pre-School. In the event that a parent/carer, staff, volunteer, student or visitor are unhappy with the Data Protection Officers decision, they can contact the ICO or Ofsted.

Bus Stop Pre-School has a Personal Data Audit form which is checked and completed by the Data Protection Officer at the end of the School year or as required. The form is kept in the main Staff folder in the cupboard in the Office. The Audit shows the follow:

- What data is held.
- What format it is in.
- Where is it held.
- How it is kept secure.
- Who it is shared with and why.
- How long is it retained.
- Legal basis for retaining information.

In the event that consent to share information is required parents/carers with parental responsibility for a child will be asked to sign a consent form. An example of the consent forms are below:

- Funding forms - parents/carers complete and sign a consent form each term, enabling the pre-school to claim for government funding.
- EYPP form - parents/carers complete and sign a consent form enabling the Pre-School to claim funding.
- Referral forms - parents/carers asked to sign a consent form, enabling the SENCO to access additional support for a child.
- Child Record form - Parents/carers asked to complete form consenting for pre-school to communicate with shared settings/outside professionals.

To ensure accurate dates of birth and the named legal guardians of children are given, parents/carers are asked to produce their child's full Birth Certificate. This takes place during the Induction Procedure.

To ensure accurate personal information is given by staff, volunteers, students and visitors, they are asked to produce proof of identity in the form of a Driving licence or passport.

Below is a list of the records held on the premises:

- Children's Details and parent/carer names, address, contact numbers and email
- Children Attendance Record - register
- Children's Learning Journey's
- Children's Surrey Support Plans (SSP's).
- Staff, Volunteer, Students and Visitors details, identity documents and contact numbers
- Staff Contracts and Employment details
- Staff Disclosure and Barring Check (DBS) numbers
- Staff Proof of Identity
- Staff Supervision and Appraisal
- Staff Certificates.

Following the Statutory Guidance of the EYFS, 2023 it is appropriate for Bus Stop Pre-School to make contact numbers and medical information available relating to children/staff, volunteers, students, visitors in the event of an emergency for example when calling for an ambulance/administering medication. To ensure children, staff, volunteers, students and visitors are cared for appropriately, health/medical issues are shared with the staff team. The sharing of this information is clearly explained to parents/carers, staff, volunteers, students and visitors on joining the setting and is written in the Privacy Notice given to all.

During staff Inductions it is made clear that it is our responsibility to protect the privacy of children, their families and their colleagues. On joining the setting all staff

members, volunteers, students, visitors are asked to read and sign a confidentiality agreement form, agreeing that information discussed or learnt about a child/adult must be kept confidential, unless in the case of safeguarding or in the event that Bus Stop Pre-School does not meet the requirements of the Safeguarding and Welfare Requirements for the Early Years Foundation Stage 2023. Please refer to the 'Confidentiality Agreement' form.

During staff/student/volunteer Inductions it is made clear that if they write confidential information on social networking sites about a staff member, child, parents/carers or about Bus Stop Pre-School, this will be seen as a deliberate breach of confidence by the staff, student, volunteer in a confidential position. Please see Staff Contracts, Staff Handbook and Student Information.

Staff are made aware that if they need to discuss information regarding a child, parent or staff member during a session with the Management team then this must be done in an appropriate place away from the group or if appropriate at the end of the day. Staff are made aware that discussing confidential, behavioural or developmental information in front of the child or other parents is unacceptable. If a member of staff discloses information to others in an inappropriate way they will be disciplined in line with staff procedure.

Bus Stop Pre-School respects the cultures of all families and will not place personal judgments upon them.

After reading this policy if the reader has any questions, concerns or complaints regarding how Bus Stop Pre-School stores information, how we respond to a request to access, update or delete data, please come and speak to the Management Team. If after speaking to the Management team you still have questions/concerns please telephone the **Information Commissioners Office helpline on 0303 123 113.**

#### Useful Resources and Websites

- Data Protection Act 2018
- General Data Protection Regulation, May 2018
- Freedom of Information Act 2000
- Information Commissioner (ICO), telephone 0303 123 113.
- ACAS - [www.acas.org.uk](http://www.acas.org.uk)

This policy was adopted in September 2006, to be reviewed in annually.

This policy was reviewed in September 2023, to be reviewed in September 2024

Owner: \_\_\_\_\_ Manager: \_\_\_\_\_

