



## Confidentiality & Data Protection Policy

### Safeguarding and Welfare Requirements

- Child protection
- Information and records

### Overview

We understand that at times, the work of the setting and with children and families will bring our staff into contact with confidential information. To ensure that all who use and work in the setting can do so in confidence, confidentiality will be respected in the following way:

- ECCC will ensure that all information is stored and shared according to the regulations and guidance of the General Data Protection Regulation (GDPR).
- The setting will ensure that the staff team are aware of the implications of GDPR in so far as it affects their roles and responsibilities within the setting.
- The setting will ensure it facilitates an open approach with the parents/carers with regard to its policies and procedures and the information that the setting holds on their child.

### Policy

- Consent will be obtained to store and process the personal information of children, their families and Centre employees.
- Personal information will only be used for the original and intended purpose, as notified at the point of collection.
- All personal records will be stored in a secure location. For paper records this means, within lockable storage. For computer records this means that files will be password protected. Security measures will be implemented for any portable media equipment.
- Third party data processors are only used on the strict condition that their ongoing compliance with GDPR can be confirmed.
- The safety and welfare of the children will be paramount; any disclosures relating to issues of child protection will be discussed with the relevant agencies and our child protection policy will be implemented.

- All children's records will be available to the parents/carers of that child, but they will not have access to any information about other children. This includes having separate accident and incident reports to respect the confidentiality of the other children. Personal Information can be accessed by making a Subject Access Request (SAR) to the Centre's Data Controller (General Manager). SARs will be accepted without charge and fulfilled within 30 days
- Personal information will be destroyed after a reasonable amount of time. Please note that the Centre is required to keep development & learning records for a year after the child leaves the Centre, financial/funding/attendance records for six years, Injury records until the child is 21 years old, Child Protection records until the child is 24 years old and complaint records until the Centre's next Ofsted inspection.
- Staff will not discuss individual children, other than for purposes of planning / reviewing or group management, with anyone other than the parents / carers of that child without their permission.
- Any serious concerns / evidence relating to a child's personal welfare will be recorded and kept in a confidential file and will not be shared within the setting except with the necessary staff and the parents/carers. The exception to sharing information with the parents/carers is where doing so would put the child at significant risk of harm.
- Personal information will not be released to external agencies without the prior permission of parents/carers. The exception to this is where doing so would put the child at significant risk of harm.
- When applying for funded places for 2, 3 and 4-year old children, the Centre is the Data Processor and Bristol City Council is the Data Controller. The processing of your and your child's personal data to enable the payment of the Free Entitlement constitutes a legal basis for processing (as an exercise of official authority vested in the controller - [GDPR Article 6\(1\)\(e\)](#)) and as such means your rights are affected. You will not be able to request:
  - *the right to erasure*
  - *the right to portability*
  - *the right to object.*

This means that the only way to exclude your or your child's data is not to use the service at all. Once used, you will not be able to request that the data is erased or forgotten.
- The management, staff, volunteers and any other individual associated with the running or management of the setting will respect confidentiality by:
  - Not discussing confidential matters about children with other parents/carers.

- Not discussing confidential matters about parents/carers with children or other parents/carers
- Not discussing individual children outside of the provision.
- Not discussing confidential information about staff members.
- Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to those directly involved with making personnel decisions.
- Students and volunteers will be advised of our confidentiality and data protection policy and are required to respect and adhere to it.
- Staff failing to show due regard for confidentiality will be liable to disciplinary action under the provisions of the Disciplinary Procedure

### **Complex Issues**

Data Protection, Freedom of Information, Confidentiality and Information Sharing is a complex area and the setting will seek advice on complex issues from:

- Data Protection [www.ico.gov.uk](http://www.ico.gov.uk)
- Freedom of Information of information Act [www.ico.gov.uk](http://www.ico.gov.uk)
- Bristol's Information Sharing Protocol

[www.bristolpartnership.org/images/stories/4\\_Information\\_Sharing\\_Protocol\\_Practitioners\\_Handbook.pdf](http://www.bristolpartnership.org/images/stories/4_Information_Sharing_Protocol_Practitioners_Handbook.pdf)

**Legislation** Data Protection Act 1998, Freedom of information Act 2000, General Data Protection Regulation (GDPR) 2016.