



## **GDPR (General Data Protection Regulation).**

Laugharne Pre-school must comply and adhere to the GDPR (General Data Protection Regulation). Members of Laugharne Pre-School (parents/carers/staff/children) may withdraw consent to hold information/data at any time – this can be requested through any staff member and organised by the setting manager.

Personal Data is defined as information relating to an individual, whether it relates to his or her private, professional or public life. It can be a name, photograph, postal address, email address, bank details, medical information. The GDPR applies to the collection and processing of personal data on manual filing systems, electronic devices and systems, and posts on social media.

Parents and staff all receive a privacy notice. This is also displayed on our 'policy page' on our website.

### **Individual Rights.**

The GDPR includes the following rights for individuals:

- The right to be informed;
- The right of access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object;
- The right not to be subject to automated decision-making including profiling.

### **How personal data is deleted.**

- Who will make the decisions about deletion: - The setting manager.
- Personal information 'paperwork' will be shredded and destroyed appropriately.
- All ICT personal data will be permanently deleted from all systems as required.

### **The right to data portability only applies:**

- To personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract; and
- when processing is carried out by automated means.

Personal data shared electronically and in a commonly used format will be password protected.

Laugharne Pre-school will not charge for complying with a request for copies of any personal data and will comply within one month. Laugharne Pre-school will charge for requests that are manifestly unfounded or excessive. If a request is refused Laugharne Pre-school must tell the individual why and that they have the right to complain to the supervisory authority and to a judicial remedy. This must be done without undue delay and at the latest, within one month.

### **Information held.**

At Laugharne Pre-school we hold children's, parents and carers personal information and data including contacts, emails, photos, DOB, SEN information and statistics, health information and personal data. This information is shared only with parents' permission or

in line with setting policy, and then only with third parties relevant to the families we work with, for example;

- Health visitors,
- Doctors
- Local Authority
- Schools
- Children centres.

### **Accountability Principle:**

If inaccurate information is shared with another organisations Laugharne Pre-school must correct its own records and information and inform the other organisation that the information provided was inaccurate.

### **Consent.**

Consent is sought from parents on their setting application forms and via our setting privacy notice. Parents have the right to update information and data as required and at any time. Laugharne Pre-school have made the request for consent prominent and separate from our terms and conditions. We ask people to positively opt in. We use clear, plain language that is easy to understand. We specify why we want the data and what we're going to do with it.

We record consent.

We tell individuals they can withdraw their consent.

We keep a record of when and how we got consent from the individual.

We regularly review consents to check that the relationship, the processing and the purposes have not changed.

We have processes in place to refresh consent at appropriate intervals, including any parental consents.

We make it easy for individuals to withdraw their consent at any time and publicise how to do so. We act on withdrawals of consent as soon as we can.

We don't penalise individuals who wish to withdraw consent.

Staff sign a consent form to share and use their personal data as detailed in our privacy notice.

### **Data storage and data security collecting new data or accessing existing data:**

Hard copies such as interview notes, prints of photographs, child's profiles, application forms, or video/audio tapes are kept securely locked away – These are stored in our locked staff cupboard - they can only be accessed by agreed members of staff.

Staff confidential information is stored in a locked filing cabinet – accessed by the setting manager only. Files - including computer files - that contain personal or identifiable data (such as names). These files are password protected, and only accessed by agreed members staff. Particular care must be taken if sharing files within the wider early years team that they have secure GDPR policies in place.

### **Third party information sharing.**

Laugharne Pre-school must ensure that when information is shared with any third party, with permission, that they are compliant with the GDPR and they too are meeting the requirements of the GDPR and provide sufficient guarantees of this.

## **PRIVACY NOTICE: LAUGHARNE PRE-SCHOOL**

Laugharne Pre-School is a data controller for the purposes of the GDPR (General Data Protection Regulation). We collect information from you and process this personal data, use it to:

- Assist families by providing information to enable them to make a considered choice when accessing education.
- Provide appropriate support and pastoral care including access to relevant support services that may be required.
- To book courses, training and online learning.
- Improve services that impact on children's outcomes by assessing the data
- Monitor and report on children's progress and development.
- Apply for appropriate Local Authority funding and support as required.
- The further use of any information will always be discussed with the parent/child and staff member before being shared.

All data must be freely given, specific and fully informed. Consent must also be revocable (people can withdraw their consent at any time) Procedures are in place to action and record this when this happens. This information includes contact details, Early Years Foundation Phase observations, attendance information, information provided by the family / other agencies related to personal characteristics such as your ethnic group, any special educational needs, relevant medical information and details of services provided.

### **Who we share data with:**

We will not give information about you to anyone outside this establishment without your consent unless the law and the school's policies permit it. We are required by law to pass some of your information to the Local Authority (LA) for monitoring, tracking and provision of appropriate services, to the Department for Education (DfE). The LA and the DfE in turn are required to share some information with trusted partners including local NHS Trusts and other local authorities. Appropriate data will be used by certain Local Authority services to provide the best support possible to children and young people.

### **What will be the effect of this on the individuals concerned:**

The data you provide will enable Laugharne Preschool to provide the best education and care for your child. You have the right to log a complaint about any data concerns. Individuals may request a copy of the information held about them. Under the GDPR such requests will need to be responded to within one month. Information must be provided for free/no cost. If you want to receive a copy of the information about your son/daughter that we hold, please contact:

Emma Bufton, Laugharne Pre-School, Laugharne VCP School.  
Email: [laugharnepreschool@gmail.com](mailto:laugharnepreschool@gmail.com)

Individuals maintain the right to change any data that is incorrect and maintain the right not to have it processed if they ask Laugharne Preschool not to do so.

### **Working Together to Safeguard Children.**

This policy represents the agreed principles for confidentiality throughout the Pre-school. All setting staff and volunteers, representing Laugharne Pre-school must agree to this policy.

Laugharne Pre-school works with many children and families and sometimes will be in contact with confidential information.

Ensuring that children and young people are kept safe is vital. Where information sharing is necessary to achieve this objective, it is important that practitioners have a clear understanding of when information can be shared. It is also for them to understand the circumstances of when sharing is inappropriate.

### **Child Protection records:**

Laugharne Pre-school must:

- know the reason why you're keeping records about children and/or adults (for example, because they relate to child protection concerns);
- assess how long you need to keep the records for; and
- have a plan for how and when the records will be destroyed.

To keep personal information secure Laugharne Pre-school should:

- Compile and label files carefully;
- Keep files containing sensitive or confidential data secure and allow access on a 'need to know' basis;
- Keep a log so you can see who has accessed the confidential files, when, and the titles of the files they have used.

### **Concerns about children's safety and wellbeing:**

If anyone has concerns about a child or young person's welfare or safety, it's vital all relevant details are recorded. This must be done regardless of whether the concerns are shared with the police or children's social care.

Keep an accurate record of:

- The date and time of the incident/disclosure;
- the date and time of the report;
- the name and role of the person to whom the concern was originally reported and their contact details;
- the name and role of the person making the report (if this is different to the above) and their contact details;
- the names of all parties who were involved in the incident, including any witnesses to an event;
- what was said or done and by whom;
- any action taken to investigate the matter;
- any further action taken (such as a referral being made); and
- the reasons why the organisation decided not to refer those concerns to a statutory agency (if relevant)

### **Storage of child protection records:**

Information about child protection concerns and referrals must be kept in a separate child protection file for each child, rather than in one 'concern log'. The child protection file should be started as soon as you become aware of any concerns. Keep child protection files separate from a child's general records. You should mark the general record to indicate that there is a separate child protection file. Records relating to child protection should be kept for 7 years after your organisation's last contact with the child and their family. If you decide not to share your concerns about a child's welfare with the police or social services, you should still keep a record of the issues that were raised.

## **Recording concerns about adult behaviour**

Sometimes concerns might be raised about an adult who works or volunteers with children. This could be because they've:

- behaved in a way that has harmed, or may have harmed, a child;
- committed a criminal offence against, or related to, a child; or
- behaved in a way that indicates they are unsuitable to work with young people.

You must keep clear and comprehensive records of all allegations made against adults working or volunteering with children, including;

- what the allegations were;
- how the allegations were followed up;
- how things were resolved; • any action taken; and
- decisions reached about the person's suitability to work with children.

Keeping these records will enable you to give accurate information if you are ever asked for it. For example:

- in response to future requests for a reference;
- if a future employer asks for clarification about information disclosed as part of a vetting and barring check; or
- if allegations resurface after a period of time.

## **Storing records relating to adults**

Records relating to concerns about an adult's behaviour should be kept in the person's confidential personnel file (not in a central 'concerns log').

### **Retention periods:** *concerns about adults*

If concerns have been raised about an adult's behaviour around children, you should keep the records in their personnel file either until they reach normal retirement age or for 10 years.

You should keep records for the same amount of time regardless of whether the allegations were unfounded. However, if you find that allegations are malicious you should destroy the record immediately.

Information should be kept for this length of time even if the person stops working or volunteering for the organisation.

When records are being kept for longer than the recommended period, files must be clearly marked with the reasons for the extension period.

Organisations must keep any records that could be needed by an official inquiry (for example the Independent Inquiry into Child Sexual Abuse (IICSA, 2017). Inquiries will issue directions for records to be retained and these must be followed.

### **Disclosure and barring checks:**

Copies of disclosure and barring check certificates should not be kept unless there is a dispute about the results of the check. Instead, a confidential record should be kept of:

- the date the check was completed;

- the level and type of check (standard/enhanced/barred list check and the relevant workforce);
- the reference number of the certificate; and
- the decision made about whether the person was employed (with reasons).

If there is a dispute about the results of a check, you may keep a copy of the certificate for not longer than 6 months.

### **Destruction of child protection records:**

When the retention period finishes, confidential records should be incinerated or shredded in the presence of a member of the organisation or entrusted to a firm specialising in the destruction of confidential material. At the same time any electronic versions of the record must be purged. If not shredded immediately, all confidential records must be held in a secured plastic bag, labelled as confidential and locked in a cupboard or other secure place.

### **We will respect confidentiality in the following ways:**

- Parent will have ready access to the files and records of their own children but will not have access to information about any other child.
- Issues to do with the employment of staff whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.
- Staff will not discuss the individual children, other than for purposes of curriculum planning/group management, with people other than the parent/carers of the child.
- Students on work experience or other recognised courses observing in Laugharne Pre-school will be advised of our confidentiality policy and required to respect it.
- All the undertaking above is subject to the paramount commitment of the setting as is the safety and wellbeing of the child. Please see our Child Protection Policy.

The Data Protection Act is not a barrier to sharing information but is in place to ensure that personal information is shared appropriately.

At Laugharne Pre-school we recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

At Laugharne Pre-school, staff can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education in our setting. 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. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act, the Human Rights Act and the EYFP (Early Years Foundation Phase).

### **Confidentiality Procedures**

- We always check whether parents regard the information they share with us to be regarded as confidential or not. We ask parents if we can share information as appropriate (for example; developmental information regarding their child).
- Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.

- Information shared between parents in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.

**We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:**

- It is to prevent a crime from being committed or intervene where one may have been or to prevent harm to a child or adult; or
- Not sharing it could be worse than the outcome of having shared it.
- The decision should never be made as an individual, but with the back-up of management committee officers. The three critical criteria are:
  - Where there is evidence that the child is suffering, or is at risk of suffering, significant harm.
  - Where there is reasonable cause to believe that a child may be suffering or at risk of suffering significant harm.
  - To prevent significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

## **Procedures**

- 1) Explain to families how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it puts the child at risk or undermines a criminal investigation.
- 2) We ensure parents receive information about our information sharing policy when starting their child in the centre and they sign a form to say that they understand circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult. This is on our registration form.
- 3) We ensure parents have information about our Safeguarding Children and Child Protection policy.
- 4) We ensure parents have information about the circumstances when information will be shared with external agencies for example with regard to any special needs the child may have or transition to school.
- 5) Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding ‘significant harm’ the child’s well being and safety is paramount.
- 6) We record concerns and discuss these with the settings’ designated person and/or designated officer from the management committee for child protection matters. Record decisions made and the reasons why information will be shared and to whom.  
We follow the procedures for reporting concerns and record keeping.
- 8) Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we are able to judge when it is reasonable to override their wish.

- 9) Guidelines for consent are part of this procedure.
- 10) Managers are conversant with this and are able to advise staff accordingly.
- 11) Seek advice when there are doubts about possible significant harm to a child or others.
- 12) Managers contact children's social care for advice where they have doubts or are unsure.
- 13) Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for and shared only with those who need to know and shared securely.
- 14) Our Safeguarding Children and Child Protection procedure and record keeping procedures set out how and where information should be recorded and what information should be shared with another agency when making a referral.
- 15) Reasons for decisions to share information, or not, are recorded.

## **Consent**

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent overridden.

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
  - We may cover this verbally when the child starts or include this in our prospectus.
  - Parents sign a form at registration to say they understand this.
  - Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries to the next provider/school.
- We consider the following questions:
- Is there legitimate purpose to sharing the information?
  - Does the information enable the person to be identified?
  - Is the information confidential?
  - If the information is confidential, do you have consent to share?
  - Is there a statutory duty or court order to share information?
  - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
  - If the decision is to share, are you sharing the right information in the right way?
  - Have you properly recorded your decision?

**All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please also see our Safeguarding Children and Child Protection policy.**

## **Client access to records procedures**

Parents may request access to any confidential records held on their child and family (unless a court order or safeguarding request has been received by the setting)

When a refusal to disclose has been received this is attached to the child's file and profile. Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency. All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.

'Third parties' include all family members who may be referred to in the records. It also includes workers from any other agency, including social services, the health authority, etc.

It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.

### **The Data Protection Act**

The Data Protection Act controls how your personal information is used by organisations, businesses or the government.

Everyone who is responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate protection

This **Privacy and Confidentiality** policy and procedure for use in Laugarne Pre-School was approved by:

Gemma Lynch \_\_\_\_\_ (*Registered Person*)

Lucy Davies \_\_\_\_\_ (*Registered Person*)

Emma Bufton \_\_\_\_\_ (*Pre-School Leader*)

Date of planned review: May 2019

Date CSSIW informed of changes: May 2018