



Northern Lights Pre-School & Out of School Club

"Committed to safeguarding and promoting the welfare of children and young people".

Confidentiality, GDPR and Data Retention Policy

Introduction

The General Data Protection Regulation (GDPR) is a new EU law that came into effect on 25th May 2018. As technology has moved forward at an incredible pace GDPR has replaced the Data Protection Act 1998 with new and more stringent regulations to protect our personal information. GDPR is only concerned with **Personally Identifiable Information**.

At The Northern Lights Preschool we ensure all our procedures for data collection are in line with the General Data Protection Regulations. All employees of The Northern Lights Preschool sign an agreement to comply with GDPR and access training in GDPR within their induction period. Our data protection officer (DPO) is Moinabaraka M'linde. All complaints and concerns relating to GDPR should be reported to the DPO.

Privacy Notice

Both parents and staff will be asked to read and sign the privacy notice prior to them completing their registration documents. This is to ensure that they (the Subject) are aware of the data we will be collecting and the purpose of collecting their data.

Data Retention

The data collected will not be held indefinitely. However, the retention period will vary from subject to subject, the data retention period can be found on our information asset register.

GDPR Principles

1. You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason it was initially obtained.
3. You must not collect any more data than necessary
4. It has to be accurate and there must be mechanisms in place to keep it up to date
5. You cannot keep it any longer than needed
6. You must protect the personal data.

These principles are also supported by a further principle, which is accountability. This means that our setting must not only do the right thing with the data we hold but also show that all the correct measures are in place to demonstrate how compliance is achieved.

Individuals rights

- The right to be informed – Parents & staff need to be informed what data you are collecting, what you are going to do with it & who it is shared with. I.e. Privacy Notice.

- The right of access – Parents & staff can request access to their own data at any time. If requested, you must provide all of the information you hold on them. They can verify the lawfulness of your data processing, which means you need to be able to prove a need for all of the information you record.
- The right to rectification – Personal data must be rectified if it is incorrect or incomplete.
- The right to erasure – Also known as the right to be forgotten. Individuals can request the deletion of their data where there is no compelling reason for its continued use. As a childcare provider you must also comply with the EYFS and Ofsted Requirements on how long you should retain certain records. These requirements should provide you with a compelling reason to retain data.
- The right to restrict processing – Parents & staff can object to the processing of their data. This means that it can be stored, but must not be used in any way. If this is requested you cannot use the individuals information in reports, or for communications.
- The right to data portability – Your system needs to be able to move personal information safely & securely from one system to another, if necessary or requested.
- The right to object – Parents & staff can object to their data being used for certain activities like marketing or research. The objection must relate to their specific situation, and if an objection occurs you need to demonstrate legitimate reasons for processing this data.
- The right not to be subjected to automated decision – making including profiling – This is mainly relevant for marketing based organisations.

Consent

- Children are not able to give consent for their own data until they are 16 years old. So as a childcare provider, consent for a child's data must come from the parents or legal guardians.
- Consent must be freely given, specific, informed and unambiguous. There must be a positive opt-in; consent cannot be inferred from silence, pre-ticked boxes or inactivity.
- It must be separate from other terms & conditions, & you will also need to have simple ways for people to withdraw consent.
- You should therefore review how you seek, record and manage consent and whether you need to make any changes. The best course of action is to ask parents & staff to tick a box, or to sign a form, or both, to confirm their consent.

Sharing Data with other agencies

In order to ensure the best outcomes for children, we often share developmental data with other agencies such as social workers, health visitors, Speech therapists etc. Data is shared with the prior consent of parents, so long as there are no safeguarding issues. Consent will NOT be taken from parents if this puts a child at a greater risk.

Tapestry

We use tapestry online journal for collecting children's developmental data. Tapestry comply with all the GDPR principles and as data processors they will not use any data without consent from the data controllers.

Maintaining confidentiality of personal records

We ensure that the confidentiality of Personal records (see Information Asset Register) is maintained at all times.

Parents have access to the files and records of their own children but do not have access to information about 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 person.

Other records/Issues relating to the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions. Students undertaking recognised qualifications and training when they are observing in the setting are advised of our confidentiality policy and are required to respect it.

Confidentially and client access to records

To ensure that all those using and working in the pre-school can do so with confidence, we will respect confidentiality in the following ways:

- Parents will readily have access to their child's records and relevant documentation but will not have access to information about another child.
- Staff will not discuss individual children other than for purposes of curriculum planning, next steps in learning, with people other than the parents/carers of that child.
- Information provided by parents to staff will not be shared with others without permission, except in an instance where there are concerns about the child's safety, welfare and development, in these cases information will be shared with the relevant agencies.
- Students at the Pre-school will be advised of our confidentiality policy and respect it.
- All records will be stored in a secure and confidential manner.

All the previous points are subject to the paramount commitment of the preschool, which is for the safety and welfare of children. Please see our safeguarding/child protection policy.

Last reviewed: April 2022