36. Data Collection and Information Sharing

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V1.0	Sept 2017	EYFS requirement, incorporates Privacy Notice	K Jones & J Miller	Dropbox.com Website	Sept 2018
V2.0	Apr 2018	Updated to be in line with GDPR[1]	K Coupe & K Jones	Dropbox.com Website	April 2019
V3.0	29 Apr 2019	Updated in line with Keeping Children Safe in Education 2018	K Coupe & E Roberts	Dropbox.com Laptop	Apr 2020

Statement of Intent
North Nibley Pre-school recognises the importance of respecting the privacy of children and their parents and carers, while ensuring that they access high quality Pre-school care and education.

Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

North Nibley Pre-school are a controller of your and your child's personal data under applicable data protection laws, including from 25 May 2018, the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA). As a registered charity, we are the Data Controller for the personal data we collect from you. This means that we decide what information we need to keep and why, and how we process and store that information. Our Data Protection Lead (DPL) is the Management Committee Chairperson who delegates day to day matters to the Pre-school's Administrator.

Aim
The aim of this policy is to ensure that all parents and carers are aware of how we keep their information and the circumstances in which we would share their information. A copy of our Privacy Notice is contained within our Welcome Pack paperwork and available on our website[2].

We ensure that the data we hold is accurate, as up to date as possible and not excessive. We only collect data that we are required to in line with the Childcare Acts 2006 and 2016, and set out in the Early Years Foundation Stage (EYFS) framework, which is mandatory for all early years providers in England.

The principles of the GDPR[3] shall be applied to all data processed:

- processed fairly, lawfully and in a transparent manner in relation to individuals;
- obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes;
- accurate and, where necessary, kept up to date;

[1] General Data Protection Regulations (May 2018) (GDPR)
[2] www.northnibleypreschool.co.uk
[3] Article 5

- adequate, relevant and not excessive in relation to the purposes for which it is processed;
- not kept longer than is necessary for those purposes[4];
- protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage; and
- not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information.

Information Types
We keep two kinds of records on children attending our setting:

Developmental records
These include observations of children in the setting, samples of their work, summary developmental reports, next steps, records of achievement and transition records.

Personal Records
These include registration and admission forms, signed consents and correspondence concerning the child or family, eg. administration of medicine form or accident reports; reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters. Together with parent declaration forms with regards to the free funding for 3 and 4 year olds and eligibility for the extended funding entitlement.

Method: Data Protection
Developmental Records
Each child has an individual record which is kept securely on Tapestry – an online learning journal. Parents are required to sign a consent form for information to be kept on Tapestry, before a child's Tapestry record is commenced. If a parent declines consent then their child's learning journey will be collated and maintained manually (ie. in paper format).

The online file can be accessed and contributed to by staff, and the child's parents and any other carer or relative that has been authorised access by both the child's parents and the Pre-school.

If a paper version is being used then this can be accessed at any time by the child's parents or whoever has parental responsibility, through request via their child's Key Person or the Playleader.

Personal Records
These files are only available to relevant staff and are kept securely under lock and key.

Our registration and admission forms require parents to give consent for us to hold and process their and their child's data.

Historical files are retained for the statutory duration according to the GDPR and are kept in a secure location with restricted access.

[4] See Policy 35: Record Keeping

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.

Method: Information Sharing

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

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

In these circumstances, we will explain to families about our duty to share information for the above reasons.

Where we have concerns as above, we would normally gain consent from families to share. If As good practice we always ask for written consent as a result of discussing a concern that we need to refer to a social care agency. This consent is kept in the child's file.

We do not seek consent from parents to share information[5] 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. Where evidence to support our concerns is not clear we may seek advice from Gloucestershire Early Years Team.

We only share relevant information that is accurate, factual, non-judgemental and up to date.

The decision to share information will always be made with the agreement and consent of 2 Pre-school Committee members.

The GDPR and DPA do not prevent, or limit the sharing of information for the purposes of keeping children safe. Fears about sharing information **must not** be allowed to stand in the way of the need to promote welfare and protect the safety children.

Where a child leaves the Pre-school, the Deputy Safeguarding Lead should ensure their child protection file is transferred to the new setting/school as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained.

<u>Suppliers</u>

We annually check that our suppliers are compliant with GDPR. Copies of their Privacy Notice is kept for reference in a secure cabinet at the Pre-school.

[5] See Flowchart of when and how to share information at the end of Policy 4 Safeguarding Children and Child Protection

Other Pre-School Records
All staff personnel files are kept in a secure location and are only accessible by necessary members of the Management Committee. All staff have a copy of our Staff Privacy Notice. It is included in their induction pack.

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved in making personnel decisions.

Students, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it. Students need to obtain written consent from the parents of any children they wish to observe in the setting.

All the undertakings above are subject to the paramount commitment of North Nibley Pre-school, which is to the safety and well-being of the children who attend the pre-school.

Data Access Requests (Subject Access Requests)
All individuals whose data is held by us, have a legal right to request access to such data or supplementary information held. The right of access allows individuals to be aware of and to verify the lawfulness of the processing.

Parents can have access to all written information about their child (except where data protection laws stipulate it is against the best interests of the child to do so) if a written request from the parent is received by the Management Committee Chairperson. The Pre-school will respond to the request within 30 days from the initial date of the request even if this was via telephone or in person. We will provide the information free of charge and in paper format. However, we reserve the right to charge a 'reasonable fee'[6] when a request is manifestly unfounded or excessive, particularly if it is repetitive. Please see Policy 41 'Data Subject Access Requests' which details how we deal with a request and your rights.

Parents do not have access to information about any other child than their own.

Employees are allowed to have access to all their personal data, except references which have been supplied in confidence, about them held on manual or computer records. A data request must be made in writing to the relevant line manager. The Pre-school will respond within 30 days from the initial date of the request even if this was via telephone or in person.

Fair Processing/Privacy Notice
North Nibley Pre-school shall be transparent about the intended processing of data and communicate these intentions via notifications to staff and parents prior to the processing of an individual's data.

Our Privacy Notice has been written in accordance with the Information Commissioner's Office (ICO) guidance and, due to the young age of the children attending our setting, has been written in a form understandable to parents and carers (see www.northnibleypreschool.co.uk). All parents whose children attend our setting receive a copy of our Privacy Notice and it is also displayed on our notice board at the setting. A separate Privacy Notice has been written for staff and all staff have received a copy.

[6] Based on administrative costs for providing the information

The intention to share data relating to individuals to an organisation outside of our Pre-school shall be clearly defined within notifications (verbal and/or written) and details of the basis for the sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them.

Data Security
Under the GDPR, North Nibley Pre-school has responsibilities to protect the personal information that we and our staff collect and use. This includes a requirement to have appropriate security to prevent it being accidentally or deliberately compromised. As such, this data is stored in a locked filing cabinet, in a locked cupboard within the locked Village Hall. All IT devices (eg. laptops, ipads etc) are password protected and have up to date IT protection software installed which is run on a monthly basis. Information stored on the Pre-school's laptops are backed up on a monthly basis, and the devices are kept under lock and key.

Only authorised people can access, alter, disclose or destroy personal data – as directed by the Management Committee Chairperson.

In order to assure the protection of all data being processed and inform decisions on processing activities, this policy will be reviewed annually, and before this time should any matters arise that need to be addressed.

Parents, carers and staff are required to report suspected data breaches[7] without delay to the Pre-school's DPL. Please refer to Policy 42 'Data Breach Procedure' for details on how we will deal with a reported breach.

Photographs and videos
Images of staff and children may be captured at appropriate times and as part of learning and development activities for use in the Pre-school only.

Unless prior consent from parents/carers/staff has been given, the Pre-school shall not utilise such images for publication or communication to external sources.

It is the Pre-school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.[8]

Data disposal
North Nibley Pre-school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in paper format will be disposed of by shredding, using a cross-cut shredder, and in line with our Records Keeping policy. Photographs and videos downloaded to computers will be deleted within three months, and all photographs and videos will be deleted at the end of each Pre-school year. Electronic data held on laptops, ipads (or similar) or on a cloud

[7] A data breach is an incident in which sensitive, protected or confidential data has potentially been viewed, stolen or used by an individual unauthorised to do so.
[8] See Policy 21: Information and Communication Technology (ICT)

provider, will be reviewed annually and data will be deleted according to our records keeping policy.

Disposal of IT assets holding data shall be in compliance with ICO guidance: https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf. We will ensure that we use an IT asset disposal company which holds the required qualifications when the time comes. The company(ies) used must be accredited with ADSIA with distinction, Blancco or ISO 27001 etc.

Further guidance

- General Data Protection Regulation (May 2018)
- Human Rights Act (1998)
- Keeping Children Safe in Education 2018
- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (March 2015) – HM Government
- IT asset disposal for organisations.pdf (ICO)
- ICO website: www.ico.org.uk

Related policies and procedures

- Policy 4: Safeguarding Children and Child Protection
- Policy 21: Information and Communication Technology (ICT)
- Policy 35: Record Keeping
- Policy 41: Data Subject Access Requests
- Policy 42: Data Breach Procedure