



Administration – 6.6 Confidentiality and access to records Including GDPR 2018 compliance.

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Policy statement

Definition: *‘Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.’* (Information Sharing: Practitioners’ Guide)

In our setting, staff and managers 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 and the Human Rights Act.

Procedures

In accordance with the EYFS Statutory Framework, Starlings Preschool must maintain records and obtain and share information (with parents and carers, other professionals working with the child, the police, child services and Ofsted) to ensure the safe and efficient management of the setting and help ensure the needs of all children are met. There should be a regular two-way flow of information with parents and/or carers, and between providers, if a child is attending more than one setting. Starlings Preschool will incorporate parents'/carers' comments into children's records.

Records must be easily accessible and available. With prior agreement from Ofsted, historic records are kept securely off the premises, in a secure storage facility and on site.

Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. **The General Data Protection Regulation 2018 – Compliance statement.**

The new General Data Protection Regulation became law on 25 May 2018 and Starlings Preschool has an increased responsibility to take seriously the security and protection of families and employee data. In principle the new requirements are an extension to the original data protection act (DPA) but provide better definitions and a greater level of rights regarding personal data.

This statement sets out Starlings Preschools' official statement of compliance across the different areas of responsibility. Any concerns or requests for further clarification should be directed to the manager.



General Data Protection Regulation

We hold a considerable amount of personal data for children, their families and employees.

For employees the only personal data we hold is that required for safeguarding or payroll purposes.

The data held is limited to that absolutely necessary for Hampshire County Council for EYE grant applications and associated, safeguarding, payroll and no more.

We obtain authority to hold data for this process.

Our payroll is outsourced to a provider for whom we hold a GDPR compliant Service level agreement.

To protect and educate children, it is necessary to hold a significant amount of personal data for them and in some cases their family. Families are aware of this and the reasons for it at the time of providing the information.

Business compliance

Starlings Preschool has a written data protection policy.

Manager is responsible for monitoring our compliance with GDPR on a continuous and on-going basis.

Any training required will be undertaken as and when it is deemed necessary.

For electronic data storage, a well-known and professional standard cloud system is used with a supplier which has its own GDPR responsibilities and has produced its own GDPR statement.

The management team assesses the risks of unlawful disclosure on a continuous basis and all processes and any proposed development of these are determined on a "DPA by design" basis. This means we build GDPR into anything the practice does or will do in the future.

This statement forms the whole of the business's GDPR requirement but should be considered in conjunction with other policies.



The Manager will take the role of Data Protection Officer for the practice..

Starlings Preschool will act responsibly, where it can, in respect of all aspects of DPA. We expect staff and families to keep us updated where the information we hold changes.

Records and controllers

The Manager is the data controllers, and all staff are the data processors for the setting. There are no external processors.

Every effort will be made to ensure data records are kept secure, using all tools available. All computers used by the practice will have suitable and up to date security tools installed and all cloud storage will be monitored for security constantly.

We will take all measures we are able to in order to protect these records from unlawful access and will report any data breach, as necessary, to the Information Commissioners office in accordance with the new GDPR.

No international transfers of personal data occur and as far as we are aware none of the cloud storage facilities or any digital returns involve data being outside of the UK at any time.

Rights

Data subjects have an increased level of rights in GDPR than those which existed in DPA1998. The rights of any individual are described as:

You have the right to be informed about the data the Starlings Preschool holds and this statement outlines in principle what that data is. If you require a full list of the personal data we have, please ask for a report under the subject access rights.

You have the right of access to the personal data held by the practice. When you make a subject access request you will receive a full list of that data as soon as possible and certainly within the 40-day limit imposed by GDPR. There will be no charge for such access.



You have the right to rectification of any incorrect data. This is subject to evidence that such rectification is required. If we believe the data is correct, we have a statutory duty to maintain it. (See additional comment below.)

You have the right to be forgotten within our systems, the right of “erasure”. This will be subject to the data we must have to educate and protect children or process payroll.

This statement makes clear that data required for payroll and safeguarding will be kept even if you ask for it to be erased. (See additional comment below.)

You have the right to demand that we restrict processing of your personal data and again this is subject to the processing which is required in order to employ you or care for your child and for statutory purposes. (See additional comment below.)

NB: Whilst we will seek to restrict the new right to rectification, erasure and restriction of processing in order to fulfil the contractual agreement and where statutory requirements demand that such activities persist, if the data subject insists on exercising their rights and this conflicts with Starlings Preschool statutory responsibilities it may be that we will have to disengage from a family or member of staff in order to meet the GDPR requirement.

Complaints

Where an individual has a concern or complaint regarding confidentiality, records or data storage, the normal complaint process should be followed. Where a complaint about a member of staff is upheld, this may result in disciplinary procedures or dismissal. Where a complaint about a committee member is upheld, they may be expected to step down.



Legal Framework

https://www.foundationyears.org.uk/files/2017/03/EYFS_STATUTORY_FRAMEWORK_2017.pdf

<https://www.gov.uk/data-protection>

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

This policy was adopted by Starlings Preschool

On 6th September 2021

Date to be reviewed

Signed on behalf of the management committee

Name of signatory Tricia Hunt

Role of signatory Chairperson