

Data Protection and Confidentiality Policy

At **Brentwood Day Nursery** we recognise that we hold sensitive and confidential information about children and their families and the staff we employ. This information is used to meet children's needs, for registers, invoices and emergency contacts. We store all records in a locked cabinet or on the nursery computer with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence. This policy works alongside the GDPR privacy notice to ensure compliance under the Data Protection Act 2018.

Legal requirements

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2025 and accompanying regulations about the information we must hold about registered children and their families and the staff working at the nursery
- We follow the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

Procedures

We are committed to respecting the privacy of children and their families. To ensure confidentiality, we implement the following measures:

- Confidential records are stored securely in a locked filing cabinet or on a password-protected nursery computer, with individual files also protected by secure passwords
- Devices that are used by the nursery for photos for social media are kept in a secure locked cupboard when not in use and at the end of the day
- Ensuring staff, student and volunteer inductions include an awareness of the importance of the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. This includes ensuring that information about the child and family is not shared outside of the nursery other than with relevant professionals who need to know that information. It is not shared with friends and family, or part of any social discussions outside of the setting. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement in the nursery are advised of our Data protection and confidentiality policy and required to respect it
- Ensuring that all staff, volunteers and students are aware that information about children and families is confidential and only for use within the nursery and to support the child's best interests with parental permission
- Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children's social care team decide this is not in the child's best interest
- Ensuring all staff are aware that this information is confidential and only for use within the nursery setting. If any of this information is requested for whatever reason, the parent's permission will always be sought other than in the safeguarding circumstances above

- Ensuring staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs
- Ensuring staff, students and volunteers are aware of and follow our Social networking policy in relation to confidentiality
- Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions
- Ensuring any concerns or evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a 'need-to-know' basis. If, however, a child is considered at risk, our Safeguarding children and child protection policy will override confidentiality.

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) compliance

To meet our requirements under GDPR we will also undertake the following:

- We will ensure our terms and conditions, privacy and consent notices are easily accessed and made available in accurate and easy to understand language.
- We will use personal data to ensure the safe, operational, and regulatory requirements of running our nursery, these include for funding applications, transition documents between settings and when working with external agencies. We will only make contact in relation to the safe, operational, and regulatory requirements of running our nursery. We will not share or use personal data for other purposes. Further detail can be found in the GDPR privacy notice.
- Everyone in our nursery understands that people have the right to access their records or have their records amended or deleted (subject to other laws and regulations)
- We will ensure staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the GDPR. This includes:
 - Being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information, which is sensitive and personal, and should be treated as 'special category personal data'
 - Understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

Our data protection and GDPR compliance practices includes organisations and private professionals and their involvement with children and families under our care. To clarify and ensure smooth adherence to GDPR regulations:

- **GDPR Compliance:** The Essex County Council, NHS, and EYLog, as outlined, are committed to adhering to GDPR requirements. This includes ensuring that all data shared and processed, especially personal or sensitive information, is done so securely

and in compliance with relevant data protection laws. We refer to their privacy notices displayed on their website

- **Private Professionals:** When a parent or carer arranges for private professionals (such as tutors, therapists, or others), it's important that these professionals also have their own privacy notice. This is to ensure transparency about how personal data will be collected, used, and protected during their engagement with the child or family. We will carry out identity checks on professional individuals

It is essential that responsibility for the data they handle and communicates clearly explains their processes, aligning with GDPR principles of transparency, security, and accountability.

Staff and volunteer information

- All information and records relating to staff and volunteers will be kept confidentially in a locked cabinet and electronically secured devices.
- Individual staff may request to see their own personal file at any time.

Signed on behalf of the nursery
<i>RL Austin</i>