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## **12. DATA PROTECTION AND CONFIDENTIALITY, including RECORD RETENTION POLICY**

At l'Ecole du Parc, we recognise that we hold sensitive/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 office 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 Privacy Notice to ensure compliance under General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) and Data Protection Act 2018.

### **Legal requirements**

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2021 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 General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR), Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

### **Procedures**

It is our intention to respect the privacy of children and their families and we do so by:

- Storing confidential records in a locked filing cabinet or on the office computer with files that are password protected
- 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, discussions on the bus or at the local bar. 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 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/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/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**

In order to meet our requirements under GDPR we will also undertake the following:

1. We will ensure our terms & conditions, privacy and consent notices are easily accessed/made available in accurate and easy to understand language
2. We will use your data to ensure the safe, operational and regulatory requirements of running our Nursery, these include medical records. We will only contact you in relation to the safe, operational and regulatory requirements of running our Nursery, these include any even related to your child or late collection. We will not share or use your data for other purposes. Further detail can be found in our GDPR policy, Privacy notice and data protection policy, communicated at the start of the year in the welcome pack.
3. 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).
4. 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.

### **Staff and volunteer information**

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

### **Record retention**

- This policy is subject to the laws relating to data protection and document retention.
- We are required under legislation to keep certain records about children, parents and also staff members. Due to this legislation we are required to keep this information for a set amount of time.
- Below is a brief overview of the information we keep and for how long. This policy should be used in conjunction with the Access and Storage of Information policy, the Data Protection and Confidentiality policy and the Privacy Notice.

- Children's records - A reasonable period of time after children have left the provision. We will follow the Local Authority procedure.
- Records relating to individual children e.g. care plans, speech and language referral forms – We will pass these on to the child's next school or setting following our Local Authority's protocols for transition and sharing of sensitive records.
- Copies will be kept for a reasonable period. We will follow the Local Authority procedure.
- Accidents and pre-existing injuries - If relevant to child protection we will keep these until the child reaches 25 years old.
- Safeguarding Records and Cause for Concern forms – We will keep until the child has reached 25 years old.
- Records of any reportable death, injury, disease or dangerous occurrence (for children) - As these incidents could result in potential negligence claims, or evolve into a more serious health condition, we keep records until the child reaches the age of 21 years and 3 months.
- Records of any reportable death, injury, disease or dangerous occurrence (for staff) – 3 years
- Type of accidents include fractures, broken limbs, serious head injuries or where the child is hospitalised.
- Observation, planning and assessment records of children - We keep our planning filed since the last inspection date so there is a paperwork trail if the inspector needs to see it.
- Information and assessments about individual children is either given to parents when the child leaves or to the next setting/school that the child moves to (with parents' permission).
- Personnel files and training records (including disciplinary records and working time records) – 7 years
- Visitors/signing in book – Up to 24 years as part of the child protection trail.
- This policy will be reviewed annually and amended according to any change in law/legislation.

<b>This policy was adopted on</b>	<b>Signed on behalf of the nursery</b>	<b>Date for review</b>
01/03/2023	<i>Eva Toth and Louise de Chateaufvieux</i>	01/03/2024