



DOCUMENTATION AND INFORMATION POLICY

Safeguarding and Welfare Requirements /

3.16, 3.49, 3.51, 3.68, 3.69, 3.70, 3.71, 3.72, 3.73, 3.74, 3.77



Statement of Intent

The General Data Protection Regulation (GDPR) is designed to protect the privacy of individuals. It requires that any personal information about an individual is processed securely and confidentially. This includes staff, parents and children. How the nursery obtains, shares and uses information is critical, as personal data is sensitive and private. Everyone, adults and children alike, has the right to know how the information about them is used. The General Data Protection Regulation requires the nursery to strike the right balance in processing personal information so that an individual's privacy is protected. Applying the principles to all information held by the nursery will typically achieve this balance and help to comply with the legislation.

We will 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 General Data Protection Regulation and the Human Rights Act.

Precious Memories Day Nursery is aware of its obligations with regard to storing and sharing information under The General Data Protection Regulation (GDPR) 2018. It is also committed to complying with the legislation and the guidance. The manager and staff must be aware of the implications of The General Data Protection Regulation and be trained in all roles and responsibilities in compliance to this.

The setting is committed to being open to parents/carers with regard to its policies and procedures and the information that each setting may hold on a child/parent/staff. Records and information will be available to parents/carers/staff upon written request. There may be exemptions to this rule, but a letter will confirm this, stating the reason for any refusal in line with the GDPR framework.

General Data Protection Regulation principles

To comply with the act, Precious Memories Day Nursery must observe the eight 'General Data Protection Regulation principles', ensuring that:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

In practice, it means that the nursery must:

- have legitimate grounds for collecting and using the personal data;
- not use the data in ways that have unjustified adverse effects on the individuals concerned;
- be transparent about how they intend to use the data, and give individuals appropriate privacy notices when collecting their personal data;
- handle people's personal data only in ways they would reasonably expect; and
- make sure they do not do anything unlawful with the data

Personal data is information that relates to an identifiable living individual that is processed as data. Processing amounts to collecting, using, disclosing, retaining or disposing of information. The General Data Protection Regulation principles apply to all information held electronically or in structured paper files.

The principles also extend to educational records – the full names of staff, parents and children, dates of birth, addresses, national insurance numbers, proof of address, staff banking details, qualifications, DBS information, learning journal records, medical information, dietary requirements, SEN assessments, telephone numbers, ethnicity of children, parents/carers place of work and contact number and staff development reviews.

Sensitive personal data is information that relates to

- Race & Ethnicity
- Religious beliefs,
- Physical & Mental health,
- Sexuality & Gender
- Criminal offences.
- Languages spoken.
- Who is legally responsible for the child?

Sensitive personal data is given greater legal protection as individuals would expect certain information to be treated as private or confidential – for example, a nursery manager may have a nursery e-mail account that is made publicly available on the nursery’s website whereas their home e-mail account is private and confidential and should only be available to those to whom consent had been granted.

It is important to differentiate between personal information that individuals would expect to be treated as private or confidential (whether or not legally classified as sensitive personal data) and personal information you can make freely available. For example: the nursery manager’s identity is personal information but everyone would expect it to be publicly available. However, nursery manager’s home phone number would usually be regarded as private information.

The setting must record and submit the following to their local authority about individual children receiving the free entitlement to Early Years Provision as part of their Early Years Census.

- Full name
- Date of birth
- Address
- Gender
- Ethnicity
- Special educational needs status
- The number of funded hours taken up during the census week
- Total number of hours (funded and unfunded) taken up at the setting during the census week.

Additionally, in accordance with our policies, other records will be kept and maintained by the setting:

- An up-to-date record of all staff, students and volunteers who are working at each setting including their name, address, telephone number, the number and date of the Disclosure and Barring Service (DBS) check, qualifications and emergency contact name, address and telephone number.
- A record of any other individuals who either reside on the premises or are regular visitors to the setting and their contact details.
- The attendance registers.
- An up-to-date waiting list with details of all children waiting for a place at the setting.
- Records of planned activities, including any off-site visits and outings.
- Records of any medication being held by the staff for children on behalf of the parent/carer.
- Records of signed emergency treatments authorised by the parent/carer.
- A fully completed and up-to-date accident, incident book and fire book.
- An up-to-date admissions list that will be kept nearby in case of a fire and/or other emergency.

Additional to this, personal information may be passed onto third parties, if needed. These include; Health and Social Services, Transition to a new school or nursery, Lambeth Council etc.

However, this will be confirmed via a consent form if needed. For more information, see our safeguarding policy.

Information on children will be kept in a locked file or office; the information will be restricted to all of the staff where appropriate. The manager is responsible for keeping up-to-date records on the children. All records relating to an individual child will be retained for two years from the last day the child attended Precious Memories Day Nursery.

What must Precious Memories Day Nursery do?

- We must notify the ICO (Information Commissioner's Office) that we are processing personal data.
- We have a nominated individual, (Marian), as the 'Data Protection Controller'.
- The nursery has clear, practical policies and procedures on information governance for staff to follow, and needs to monitor their operation
These should include:
 - Staff Code of Conduct
 - Privacy notices for staff and parents/children

Data Breaches

In the event of a personal data breach, the Data Protection Controller should be notified immediately and an investigation carried out.

Individual Rights

The General Data Protection Regulation includes the following rights for individuals:

- The right to be informed;
- The right of access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object;
- The right not to be subject to automated decision-making including profiling.

The General Data Protection Regulation entitles an individual the right to request the personal information the nursery holds on their behalf – this is known as a Subject Access Request (SAR) and includes all and any information held by the nursery, not just information held on central files or electronically, so it could also include correspondence or notes held by others in the nursery.

- SARs must be responded to within 1 month of receipt.
- The SAR should be made in writing by the individual making the request.
- The nursery can refuse or charge for requests that are manifestly unfounded or excessive.
- Parents can make SARs on behalf of their children if the children are deemed to be too young or they have consented to their parents doing so on their behalf.
- There may be exemptions to this rule, but a letter will confirm this, stating the reason for any refusal in line with the GDPR framework.

Staff Responsibilities

Staff needs to know and understand:

- How to manage, keep and dispose of data.
- The nursery's procedures in relation to children's records, email, social media, taking photos in the nursery, mobile technology and the nursery's website.
- When they are allowed to share information with others and how to make sure it is kept secure when shared.

Information and ITS Equipment Acceptable Usage

Acceptable Usage covers the security and use of all Precious Memories Day Nursery information and IT equipment. It also includes the use of email, internet, voice and mobile IT equipment. This applies to all Precious Memories Day Nursery's employees, contractors and agents (hereafter referred to as 'individuals').

This applies to all information, in whatever form, relating to Precious Memories Day Nursery's business activities, and to all information handled by Precious Memories Day Nursery relating to other organisations with whom it deals. It also covers all IT and information communications facilities operated by Precious Memories Day Nursery or on its behalf.

Computer Access Control – Individual's Responsibility

Access to the Precious Memories Day Nursery IT systems is controlled by the use of User IDs and passwords. All User IDs and passwords are to be assigned to named individuals and consequently, individuals are accountable for all actions on any Precious Memories Day Nursery IT systems.

Individuals must not:

- Allow anyone else to use their user ID and password on any Precious Memories Day Nursery IT system, including tablets
- Leave their user accounts logged in on their tablet, if unattended
- Use someone else's user ID and password to access Precious Memories Day Nursery IT systems
- Leave their password unprotected (for example, writing it down).
- Perform any unauthorised changes to Precious Memories Day Nursery IT systems or information
- Attempt to access data that they are not authorised to use or access, i.e. emails, access any data on personal mobiles or computers
- Connect any non-Precious Memories Day Nursery authorised device to the Precious Memories Day Nursery network or IT systems, i.e.; connecting to the wireless network on personal devices.
- Store Precious Memories Day Nursery data on any non-authorised Precious Memories Day Nursery equipment
- Give or transfer Precious Memories Day Nursery data or software to any person or organisation outside of Precious Memories Day Nursery without the authority of Precious Memories Day Nursery.

Nursery manager must ensure that individuals are given clear direction on the extent and limits of their authority with regard to IT systems and data.

Internet and email Conditions of Use

Use of Precious Memories Day Nursery internet and email is intended for business use. Personal use is permitted where such use does not affect the individual's business performance, is not detrimental to Precious Memories Day Nursery in any way, not in breach of any term and condition of employment and does not place the individual or Precious Memories Day Nursery in breach of statutory or other legal obligations.

All individuals are accountable for their actions on the internet and email systems.

Individuals must not:

- Use the internet or email for the purposes of harassment or abuse
- Use profanity, obscenities, or derogatory remarks in communications
- Access, download, send or receive any data (including images), which Precious Memories Day Nursery considers offensive in any way, including sexually explicit, discriminatory, defamatory or libellous material
- Use the internet or email to make personal gains or conduct a personal business
- Use the internet or email to gamble
- Use the email systems in a way that could affect its reliability or effectiveness, for example, distributing chain letters or spam
- Place any information on the Internet that relates to Precious Memories Day Nursery, alter any information about it, or express any opinion about Precious Memories Day Nursery, unless they are specifically authorised to do this
- Send unprotected sensitive or confidential information externally
- Make official commitments through the internet or email on behalf of Precious Memories Day Nursery unless authorised to do so
- Download copyrighted material such as music media (MP3) files, film and video files (not an exhaustive list) without appropriate approval
- In any way infringe any copyright, database rights, trademarks or other intellectual property
- Download any software from the internet without prior approval of the manager
- Connect Precious Memories Day Nursery devices to the internet using non-standard connections

Clear Desk and Clear Screen Policy

In order to reduce the risk of unauthorised access or loss of information, Precious Memories Day Nursery enforces a clear desk and screen policy such as follows:

- Personal or confidential business information must be protected using security features provided for example; secure print on printers.
- Computers must be logged off/locked or protected with a screen locking mechanism controlled by a password when unattended.
- Care must be taken to not leave confidential material on printers or photocopiers.
- All business-related printed matter must be disposed of using confidential waste bins or shredders.

Working Off-site

It is accepted that tablets, laptop and mobile will be taken off-site. The following controls must be applied:

- Working away from the office must be in line with our IT contract
- Equipment and media taken off-site must not be left unattended in public places and not left in sight in a car
- Laptops must be carried as hand luggage when travelling
- Information should be protected against loss or compromise when working remotely (for example; at home or in public places)
- Particular care should be taken with the use of mobile devices such as laptops, smart phones and tablets. They must be protected at least by a password or a PIN

Mobile Storage Devices

Mobile devices such as memory sticks and removable hard drives must be used only in situations when network connectivity is unavailable or there is no other secure method of transferring data. Only Precious Memories Day Nursery authorised mobile storage devices with password protection must be used, when transferring sensitive or confidential data.

Software

Employees must use only software that is authorised by Precious Memories Day Nursery on Precious Memories Day Nursery devices, e.g. tapestry, letter land etc. Authorised software must be used in accordance with the software supplier's licensing agreements. All software on Precious Memories Day Nursery computers must be approved and installed by Precious Memories Day Nursery IT support.

Individuals must not:

Store personal files such as music, video, photographs or games on Precious Memories Day Nursery IT equipment

Viruses

The IT support has implemented centralised, automated virus detection and virus software updates within the Precious Memories Day Nursery. All PCs have antivirus software installed to detect and remove any virus automatically.

Individuals must not:

- Remove or disable anti-virus software
- Attempt to remove virus-infected files or clean up an infection, other than by the use of approved Precious Memories Day Nursery anti-virus software and procedures

Telephony (Voice) Equipment Conditions of Use

Use of Precious Memories Day Nursery voice equipment is intended for business use. Individuals must not use Precious Memories Day Nursery voice facilities for sending or receiving private communications on personal matters, except in exceptional circumstances. All non-urgent personal communications should be made at an individual's own expense using alternative means of communications.

Individuals must not:

- Use Precious Memories Day Nursery voice for conducting private business
- Make hoax or threatening calls to internal or external destinations
- Accept reverse charge calls from domestic or International operators, unless it is for business use

Actions upon Termination of Contract

All Precious Memories Day Nursery equipment and data, for example, laptops, tablets and mobile devices including telephones and smart phones, must be returned to Precious Memories Day Nursery at termination of contract.

All Precious Memories Day Nursery data or intellectual property developed or gained during the period of employment remains the property of Precious Memories Day Nursery and must not be retained beyond termination or reused for any other purpose.

Monitoring and Filtering

All data that is created and stored on Precious Memories Day Nursery devices is the property of Precious Memories Day Nursery and there is no official provision for individual data privacy. However, wherever possible, Precious Memories Day Nursery will avoid opening personal emails.

IT system logging will take place where appropriate, and investigations will be commenced where reasonable suspicion exists of a breach of this or any other policy. Precious Memories Day Nursery has the right (under certain conditions) to monitor activity on its systems, including internet and email use, in order to ensure systems security and effective operation, and to protect against misuse.

Any monitoring will be carried out in accordance with audited, controlled internal processes, the UK Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000 and the Telecommunications (Lawful Business Practice Interception of Communications) Regulations 2000.

It is your responsibility to report suspected breaches of security policy without delay to the management team.

All breaches of information security policies will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with Precious Memories Day Nursery disciplinary procedures.

Access to staff personal data:

- Employees are allowed to have access to all personal data about them held on manual or computer records under the General Data Protection Regulation 2018. The Act requires the organisation to action requests for access to personal data within one month.
- Should an employee request access to their personal data, the request must be addressed in writing to the managing director (Marian Andoh). The request will be judged in the light of the nature of the personal data and the frequency with which they are updated. The employee will be informed whether or not the request is to be granted. If it is, the information will be provided within one month of the date of the request.
- In the event of a disagreement between an employee and the manager regarding personal data, the matter should be taken up under the *****
- The right of employees to see information held about them is extended to information held in paper record-keeping systems as well as computerised systems.
- There are some exemptions; for example; employees will not be able to see employment references about them supplied in confidence, nor will people involved in negotiations with the data controller be able to see information about the data controller's intentions in relation to those negotiations.*****
- Employee data cannot be used for direct marketing (including fundraising), if the data subject objects. Approval to use employee data for marketing purposes must be sought from the manager.

Notification

Precious Memories Day Nursery recognises that it is their responsibility to notify parents/carers, Ofsted and staff of any changes to any of its settings.

If changes are to be made to a setting, the setting owner will contact anyone that will be affected as soon as possible. If there are significant proposed changes there will be consultation with anyone who is directly affected.

It is mandatory for Ofsted to be informed of:

- any change in the manager or deputy manager of the setting;
- any significant changes to the premises;
- any significant change to the operational plan of the setting;
- any event that is likely to affect the suitability of the manager or owner;
- any changes to the company;
- any complaints made against the setting;
- where two or more children suffer from food poisoning;
- any allegation of abuse by a member of staff or volunteer or any abuse that has allegedly taken place on the premises;
- any significant event that is likely to affect the suitability of any person who is in regular contact with children;
- any serious accident, illness or injury to, or death of, any child while in their care; or
- Any other significant events.

Legal Framework

General Data Protection Regulation 2018 <https://ico.org.uk/>

Data Protection Act 1998

Computer Misuse Act 1990

Freedom of Information Act 2000

Human Rights Act 1999

The Children Act 2004, 2006 (Every Child Matters)

Statutory Framework

Statutory Framework for the Early Years

Section 3: The Safeguarding and Welfare requirements 3.67-3.72

