**Trinity Tots Nursery**

**Data Protection and Confidentiality**

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| HSCS: 3.4, 3.14, 4.18 |

At Trinity Tots Nursery 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 locked cabinets in line with data protection registration and any information shared with the staff team is done on a ‘need to know’ basis and treated in confidence. This policy will work alongside the Privacy Notice to ensure compliance under General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR).

**Legal requirements**

* We follow the legal requirements set out in the Health and Social Care Standards 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) and the Freedom of Information (Scotland) Act 2002 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
* Ensuring staff, student and volunteer inductions include an awareness of the importance of confidentiality and 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 on social occassions. 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 this information 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 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 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 only for the reasons listed below;

**Employees**

* Making a decision about an Employee’s recruitment or appointment.
* Checking an Employee is legally entitled to work in the UK. Paying an Employee and, if an Employee is an Employee or deemed Employee for tax purposes, deducting tax and National Insurance contributions (NICs).
* Providing any Employee benefits to Employees.
* Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.
* Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits.
* Administering the contract we have entered into with an Employee.
* Conducting performance and/or salary reviews, managing performance and determining performance requirements.
* Assessing qualifications for a particular job or task, including decisions about promotions.
* Gathering evidence for possible grievance or disciplinary hearings.
* Making decisions about an Employee’s continued employment, engagement.
* Making arrangements for the termination of our working relationship.
* Education, training and development requirements.
* Dealing with legal disputes involving Employees, including accidents at work.
* Ascertaining an Employee’s fitness to work.
* Managing sickness absence.
* Complying with health and safety obligations.
* To prevent fraud.
* To monitor your use of our information and communication systems to ensure compliance with our IT policies.
* To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
* Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of an Employee’s personal information.

**Children**

* Upon consent from the Parents, Personal Data of Children will be shared with schools for progression into the next stage of their education.
* Personal information of Children will be shared with local authorities without the consent of Parents where there is a situation where child protection is necessary.
* The personal information of Children will be shared with local authorities without the consent of Parents for funding purposes.
* Education Scotland and the Care Commission will be allowed access to the Nursery’s systems to review child protection records.
* To ensure we meet the needs of the Children
* To enable the appropriate funding to be received
* Report on a Child’s progress whilst with the Nursery
* To check safeguarding records
* To check complaint records
* To check attendance patterns are recorded
* When a Child’s Progress Report is given to its Parent in order for that Parent to pass the same Progress Report to a school for application or enrolment purposes

**Parents**

* The personal information of Parents will be shared with local authorities without the consent of Parents for funding purposes.
* To report on a Child’s attendance
* To be able to contact a Parent or a Child’s emergency contact about their Child
* To ensure nursery fees are paid
1. 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).

**Staff and volunteer information**

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