



Data Protection and Confidentiality Policy

HSCS: 3.4, 3.14, 4.18

At **Cherrytrees Children's Nurseries Ltd** 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 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 GDPR 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 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 protecting the privacy of the children in their care, as well as legal requirements to ensure that information relating to the child is handled in a way that ensures confidentiality. This includes making sure 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. 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 Data Protection and confidentiality policy and required to respect it
- 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 3networking 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

In order 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 phoning if a child does not turn up to nursery by 10.am. We will only make contact in relation to the safe, operational and regulatory requirements of running our nursery, these include if a child becomes unwell or has an accident. 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.

Staff and volunteer information

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

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>Feb 25</i>	<i>S Bennet</i>	<i>Feb 26</i>

Links to UNCRC Articles: 1, 2, 16, 19