

Data Protection and Confidentiality

EYFS: 3.68, 3.71

At **LMASC Ltd** 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 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 Statutory Framework for the Early Years Foundation Stage (EYFS) 2017 and accompanying regulations about the information we must hold about registered children and their families and the staff working at the club
- We follow the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR)) and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

Procedures/Confidentiality

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 confidentiality and that information about the child and family is not shared outside of the club 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 club 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 club 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 club's 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 safeguarding/child protection policy will override confidentiality.

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

Information that we keep

The items of personal data that we keep about individuals are documented on our personal data matrix. The personal data matrix is reviewed annually to ensure that any new data types are included.

Children and parents: We hold only the information necessary to provide a childcare service for each child. This includes child registration information, medical information, parent contact information, attendance records, incident and accident records and so forth. Our lawful basis for processing this data is fulfilment of our contract with the child's parents. Our legal condition for processing any health-related information about a child, is so that we can provide appropriate care to the child. Once a child leaves our care, we retain only the data required by statutory legislation and industry best practice, and for the prescribed periods of time. Electronic data that is no longer required is deleted and paper records are disposed of securely with a registered Data Shredding Company to which we obtain Certificates of Destruction of documentation.

Staff: We keep information about employees in order to meet HMRC requirements, and to comply with all other areas of employment legislation. Our lawful basis for processing this data is to meet our legal obligations. Our legal condition for processing data relating to an employee's health is to meet the obligations

of employment law. We retain the data after a member of staff has left our employment for the periods required by statutory legislation and industry best practice, then it is deleted or destroyed as necessary.

Sharing information with third parties

We will only share child information with outside agencies on a need-to-know basis and with consent from parents, except in cases relating to safeguarding children, criminal activity, or if required by legally authorised bodies (eg Police, HMRC, etc). If we decide to share information without parental consent, we will record this in the child's file, clearly stating our reasons.

We will only share relevant information that is accurate and up to date. Our primary commitment is to the safety and well-being of the children in our care.

Some limited personal information is disclosed to authorised third parties we have engaged to process it, as part of the normal running of our business, for example to manage our payroll and accounts. Any such third parties comply with the strict data protection regulations of the GDPR.

Subject access requests

- Parents/carers can ask to see the information and records relating to their child, and/or any information that we keep about themselves.
- Staff and volunteers can ask to see any information that we keep about them.
- We will make the requested information available as soon as practicable, and will respond to the request within one month at the latest.
- If our information is found to be incorrect or out of date, we will update it promptly.
- Parents /carers can ask us to delete data, but this may mean that we can no longer provide care to the child as we have a legal obligation to keep certain data. In addition, even after a child has left our care, we have to keep some data for specific periods so won't be able to delete all data immediately.
- Staff and volunteers can ask us to delete their data, but this may mean that we can no longer employ them as we have a legal obligation to keep certain data. In addition, even after a staff member has left our employment, we have to keep some data for specific periods so won't be able to delete all data immediately.

If any individual about whom we hold data has a complaint about how we have kept their information secure, or how we have responded to a subject access request, they may complain to the Information Commissioner's Office (ICO).

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

We will comply with the requirements of the General Data Protection Regulation (GDPR), regarding obtaining, storing and using personal data.

For more information on Data Protection please visit <https://ico.org.uk>