Data Protection and Confidentiality

EYFS: 3.69, 3.70

At **Arc** 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 outlined by ico.org.uk. 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) 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) 2017 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 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, 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 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 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 only for complying with legal obligations or to exercise specific rights in the field of employment law and only contact you for written consent to allow us to process certain particularly sensitive data. We will not share or use your data for other purposes
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).

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 personal file at any time.

Passwords
requirements for any password system that you will need to consider:

- password length—you should set a suitable minimum password length (this should be no less than 10 characters), but not a maximum length. If you are correctly hashing your passwords, then the output should be the same length for every password, and therefore the only limit to password length should be the way your website is coded. If you absolutely must set a maximum length due to the limitations of your website code, then tell users what it is before they try to enter a password. The reasoning behind having a maximum length should be documented and fully risk assessed.
- special characters—you should allow the use of special characters, but don't mandate it. If you must disallow special characters (or spaces) make sure this is made clear before the user creates their password; and
- password 'deny lists'—do not allow your users to use a common, weak password. Screen passwords against a password 'deny list' of the most commonly used passwords, leaked passwords from website breaches and common words or phrases that relate to the service. Update this list at least yearly. Explain to users that this is what you are doing, and that this is why a password has been rejected.

Example

A password ‘deny list’ could be a feature of the software you use. Other lists are available online, e.g. SecLists and haveibeenpwned's password list.

It is also possible to find easy implementations, such as NIST Bad Passwords, which uses SecLists.

For more information on data protection please:
GDPR Privacy Notice
https://ico.org.uk/

This policy was reviewed on	**Signed on behalf of the nursery**
05.09.22	Sharon Lodge
17.04.23	Khelood Jubber
17.04.23	James Rickard