

Data Protection and Confidentiality Policy

At The Willow On The Farm we understand that confidential information is '**personal information of a private or sensitive nature**' that:

- is **not already lawfully in the public domain** or readily available from another public source;
- has been shared in a relationship where the person giving the **information could reasonably expect it would not be shared with others.**

As Nursery staff we have a 'confidential relationship' with **families**. Where third parties share information about an individual, staff will check if that is confidential, both in terms of the subject sharing the information and the person whom the information concerns.

Information shared in the context of a nursery setting is confidential to the setting and, in some defined circumstances, to other staff within the organisation. For example, a nursery manager may discuss a family in a supervision meeting with a senior manager for the purpose of professional support, clarification and accountability regarding the organisation's procedures.

Confidential **information may only be shared** without authorisation from the person who provided it, or to whom it relates, **if it's in the public interest.**

The decision should never be made as an individual, but with the backup of managers. **The three critical criteria for sharing information without consent**, or overriding refusal to give consent, are:

- **Where there is evidence that a child is suffering, or is at risk of suffering, significant harm.**
- **Where there is reasonable cause to believe that a child may be suffering or at risk of suffering significant harm.**
- **To prevent significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.**

Our Data Protection Officer is Alice Clark.

General Data Protection Regulations May 2018

The General Data Protection Regulation (GDPR) is a new EU law that will come into effect on 25 May 2018. It will replace the current Data Protection Act 1998 and the changes will remain in place even after the UK leaves the EU in 2019.

GDPR gives individuals greater control over their own personal data.

GDPR will condense the Data Protection Principles into six areas, which are referred to as the Privacy Principles. In our setting we ensure we will:

1. Have a lawful reason for collecting personal data and must do it in a fair and transparent way.

2. Only use the data for the reason it is initially obtained.
3. Not collect any more data than is necessary.
4. Make sure the data is accurate and have mechanisms in place to keep it up to date.
5. Not keep it any longer than needed.
6. Protect the personal data.

These privacy principles are supported by a further principle – accountability. The Willow On The Farm Nursery will not only do the right thing with data but must also show that all the correct measures are in place to demonstrate how compliance is achieved.

How we follow the principals at The Willow On The Farm:

We hold two types of record:

- a. Developmental records, including the observations and samples of children's work that become the formative assessment record. These are kept by the key person, but can be accessed freely by the child, other staff working with the child and the parents.
- b. Personal files, which are usually kept securely in the office. They contain confidential information, such as the registration form, contractual records and parental consent forms, as well as records regarding work undertaken with the family. Information regarding the setting's concerns about a child are recorded and kept in here

To ensure the records/data we hold is accurate we ask parents to update the information twice per year and send out reminders in our newsletter to ask parents to update us with any new information.

We hold our information for a maximum of 3 years after the child has left our setting.

All personal data is kept in a locked cupboard or on a secure drive within our nursery computer. The computer is kept on site and has passwords for entry.

All of our policies and procedures are kept within a policy folder in our cloakroom area and also on our website for all to see. All staff are asked to read and sign that they are aware and understand the policies on an annual basis. We have a policy meeting every week to discuss any updates.

Privacy notices

When we collect any data we send out a data privacy letter explaining how we are going to use it, who we might share it with, and how long we will keep it for. Our Childcare Agreement is sent out prior to the child starting with us and requests parents to give consent, by writing their initials, for areas such as photographs, storage of data, taking children on outings, passing on information to third parties such as first aiders in a medical emergency etc. Within this agreement it also

informs our parents how they can withdraw their consent or make a complaint to the Information Commissioner's Office.

We are registered with Information Commissioner's Office for the storage and use of digital information. Any breach of the 6 principals of GDPR will be reported to the ICO within 72 hours of becoming aware of the breach.

Photography

Photographs and video images of pupils and staff are classed as personal data under the terms of the Data Protection Act 1998. Therefore, using such images for school publicity purposes requires the consent of either the individual concerned or in the case of pupils, their parent or carer. The Willow on the Farm Nursery will not display images of pupils or staff on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access. Where photographs are taken at an event attended by large crowds, this is regarded as a public area so it is not necessary to get permission of everyone in a crowd shot. The Data Protection Act does not apply to photographs or films taken for personal use by family and friends. Schools need and welcome publicity. Children's photographs add colour, life and interest to articles promoting school activities and initiatives. Making use of photographs for publicity materials and to promote the school in the press can increase pupil motivation and staff morale, and help parents and the local community identify and celebrate the school's achievements. However, photographs must be used in a responsible way.

Schools need to respect children's and parents' rights of privacy and be aware of potential child protection issues. At The Willow on the Farm Nursery, every reasonable effort will be made to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs.

This policy applies to the use of photographs in school publicity materials, on its website and in the press.

This policy reflects the consensus of opinion of the staff and owner of The Willow on the Farm Nursery School. Its implementation is the responsibility of all staff.

Parents and visitors will be made aware of this policy.

There may be a risk when individual pupils can be identified in photographs. For that reason, the governing body of The Willow on the Farm Nursery have developed this policy to make every effort to minimise risk. In the event of the inappropriate use of children's photographs the Joint Managers will inform the MASH and take advice regarding informing the Police.

Appropriate Use of Images in School Publicity Materials

The staff of The Willow on the Farm Nursery will:

- Ensure that images are stored securely and used only by those authorised to do so;

- ensure that electronic images are stored on a secure network to which members of the public have no access;
- not use an image of any child who is subject to a court order;
- secure parental consent for the use of children's photographs;

The Willow on the Farm Website

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the staff of The Willow on the Farm Nursery are aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people. Children's names will not be included in photographs of children published on The Willow on the Farm Nursery website.

The Press

The use of photographs in newspapers and magazines is already subject to strict guidelines. The Press Complaints Commission's Code of Practice states that:

- Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children.
- Pupils must not be approached or photographed while at school without the permission of the school authorities.

There is no breach of the Data Protection Act 1998 in passing on a child's name to a journalist as long as parental consent has been secured. The Willow on the Farm Nursery will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian has provided their consent.

Filming Events

It is usual for parents to take photographs and videos of children at school events such as the annual Nativity Play and Sports Day. Any objections to this policy should be addressed to the Joint Managers. On occasions, commercial video films may be made of children on educational visits and performing in school productions. The school will inform parents where arrangements have been made for a commercial photographer to film such an event. Where a commercial photographer is used, the school will follow the NSPCC guidelines which are as follows:

- Schools should provide a clear brief about what is considered appropriate in terms of content and behaviour;
- Schools should issue the photographer with identification which must be worn at all times;

- Schools should let parents and children know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs;
- Schools should not allow unsupervised access to children or one-to-one photo sessions at home;
- Schools should not approve / allow photo sessions outside the event or at a child's home.

If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the Manager or Deputy Manager who would report them in the same manner as any other child protection concern. If schools or parents have concerns regarding the use of filmed images by television companies, they should contact the Office of Communication (Ofcom). Any objections to this policy should be addressed to the Manager or Deputy Manager.

Camera Phones in Schools

Concerns have been expressed about the risks posed directly and indirectly to children through the use of camera phones on school premises. In order to minimise risk at The Willow on the Farm Nursery:

- Staff and/or volunteers will NOT use personal mobile phones while children are attending The Willow on the Farm Nursery
- A nursery phone will be taken on emergencies and outings.

Parental Consent

The staff of The Willow on the Farm Nursery will seek the consent of parents / guardians regarding the use of photographs of children. The consent will include agreement on:

- How and where the photographs will be used
- The period of consent

Consent will be sought as part of the Home / School Agreement process on admission to school.

Name of Person Reviewing Policy	Date Review Carried Out	Date to be reviewed (Yearly / when necessary)
Dawn Wilson-Fry	Written 06/02/18	July 2018
Dawn Wilson-Fry	31/08/18	August 2019