

Monty's Daycare Confidentiality and Client Access to Records Policy

In conjunction with Children's Records Policy & Procedure

Principles

At Monty's Daycare we work very closely with children and their families on a day to day basis. It is a legal requirement for the nursery to hold relevant information for each child and their families, which remains confidential at all times. This information is used for registers, invoices, funding, development and emergency contacts. All records will be stored in a locked cabinet or on an encrypted memory stick, in line with the Data Protection Act 2019 and the EU General Data Protection Regulation (GDPR).

Confidential issues may include:

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

The nursery collects a large amount of personal data every year including; staff records, names and addresses, medical information, funding information including National Insurance numbers, progress trackers and family information. In addition, we are required by law to collect and use certain types of information to comply with statutory obligations of the Kent Local Authority (LA), government agencies and other bodies.

Procedure

It is our intention that Monty's Daycare will respect the privacy of children and their families which is achieved by:

- Storing confidential records in locked cabinets, or on encrypted memory sticks
- Ensuring that all staff, volunteers and students are aware that this information is confidential and only for use within the nursery.
- Personal data shall be obtained only for specific and lawful purposes.
- Gaining parental permission for any photographs of the children to be used within the nursery.
- Ensuring that staff are aware that information held for each child is confidential, and only to be used within the nursery setting. If any information is requested for whatever reason (school transitions, or SEND support), the parent's permission must always be sought.
- Ensuring that staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs or a safeguarding concern.
- Some parents/guardians sometimes share information about themselves with other parents/guardians as well as staff; the setting cannot be held responsible if information is shared beyond those parents/guardians whom the person has 'confided' in.

- We inform parents/guardians when we need to record confidential information beyond the general personal information that we keep – for example with regards to injuries, concerns or changes in relation to the child or the family, any discussions with parents/guardians on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- Appropriate technical measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction or, damage to personal data.
- Personal data shall not be transferred to a country outside the EEA, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- Ensuring that staff, volunteers and students are aware of and follow, the nursery's social networking policy in relation to confidentiality
- Ensuring that any concerns/evidence relating to a child's personal safety are kept in a secure confidential file. This information must be shared with as few people as possible on a need- to-know basis. If however, a child is considered at risk, the nursery's safeguarding children policy will override confidentiality.

Client access to records procedures

- Parents may request access to any confidential records held on their child and family following the procedure below:
- Any request to see the child's personal file by a parent/guardian or person with parental responsibility must be made in writing to the nursery manager.
- The setting commits to providing access within 14 days, although this may be extended.
- The settings Manager, Kerry Allen would prepare the file for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. Copies of these letters are retained on file.
- 'Third parties' include all family members who may be referred to in the records.
- It also includes workers from any other agency, including social services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
- When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- A photocopy of the complete file is taken.
- Kerry Allen (Nursery Manager) would go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.

- What remains is the information recorded by the setting, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- The 'clean copy' is photocopied for the parents/guardians who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the setting leader, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent/guardians has possible grounds for litigation against Monty's Daycare or another (third party) agency.
- If Kerry Allen (Nursery Manager) was absent Naomi Washer (Nursery Deputy Manager) would follow the above procedures.
- All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.

This policy was revised during the month of February 2020 Kerry Allen (Nursery Manager) and Naomi Washer (Deputy Manager) were present.

(Policy and procedure to be revised during the month of February 2021, Spring Term).