



Sandon Cygnets Preschool,
Sandon JMI School,
Rushden Road,
Sandon.
SG9 0QS
Tel: 01763 287 238
Leader of Data Protection: Peta Mitchell

Sandon Cygnets Pre-School Privacy Notice - Children and Families

Sandon Cygnets Preschool is a data controller (contact details above). This means it decides how your personal data is processed and for what purposes. We comply with the data protection law. This says that the personal information we hold about you must be;

- a) Used lawfully and fairly
- b) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with these purposes
- c) Relevant to the purposes we have told you about and limited only to those purposes.
- d) Accurate and kept up to date
- e) Kept only as long as necessary for the purpose we have told you about
- f) Kept securely

Purpose of Processing and legal Basis for Holding Information

Sandon Cygnets Preschool collects, stores and processes data for the following purposes:

To support your child's teaching and learning	To monitor and report on your child's progress
To provide appropriate pastoral care	To assess how well we are doing

Sandon Cygnets Preschool collects, stores and processes data in accordance with the current law. Our lawful reasons for doing so are;

Contractual - Processing is permitted if it is necessary for the entry into, or performance of, a contract with the data subject or in order to take steps at his or her request prior to the entry into a contract.

Legitimate interests – Processing is permitted if it is necessary for the purposes of legitimate interests pursued by the controller (or by a third party), except where the controller's interests are overridden by the interests, fundamental rights or freedoms of the affected data subjects which require protection, **particularly where the data subject is a child.**

Consent - Personal data may be processed on the basis that the data subject has consented to such processing.

How do we process your personal data?

Sandon Cygnets Preschool complies with its obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

We regularly review the personal data we hold, and delete anything that we no longer need. Information that does not need to be accessed regularly, but which still needs to be retained, is safely archived.

We keep two kinds of records on children attending our setting:

1. Developmental records (learning journeys)

- These include observations of children in the setting, samples of their work, summary developmental reports and records of achievement.
- They are usually kept in the pre-school room on a shelf and can be accessed, and contributed to, by staff, the child, the child's parents and anyone else working with the child such as a childminder or another early years setting.
- Parents will have free access to developmental records for their own child and we actively encourage them to input into these documents.

Personal records

- These include Registration Forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.
- These confidential records are kept in a folder and stored in a lockable storage cupboard in the pre-school.
- Parents have access to all written information about their child (except where data protection laws stipulate it is against the best interests of the child to do so). A written request must be made for personal files on the child. Parents do not have access to information about any other child.
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.

Information Sharing

There are times when we are required to share information about a child or their family. These are when:

- there are concerns a child is or may be suffering significant harm.
- the 'reasonable cause to believe' a child is or may be suffering significant harm is not clear.
- there are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of parents)

We explain to families about our duty to share information for the above reasons. Where we have concerns as above, we would normally gain consent from families to share. This does not have to be in writing, but we record in the child's file that we have gained verbal consent as a result of discussing a concern that we need to refer to a social care agency.

We do not seek consent from parents to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example where we have cause to believe a parent may try to cover up abuse, or threaten a child.

Where we take a decision to share information without consent, it is recorded in the child's file and the reason clearly stated. Where evidence to support our concerns are not clear we may seek advice from Hertfordshire County Council Children, Schools and Families department. We only share relevant information that is accurate, factual, non-judgemental and up to date.

Other records

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions. (see staffing policy for further details)

Students, when they are observing in the setting, are advised of our confidentiality policy and required to respect it. (see volunteers and student policy for further details)

Recipients of the Data

Other Agencies who we share information with:

- Local Education Authority – The manager of the pre-school is required to pass on information of all 2 - 4 year olds eligible for Nursery Education Grant at the beginning of each term.
- Social Services – in accordance with our safeguarding children policy.
- Children's Centre – information on funded children (2 year funded and 3--4 year funded children) in line with Hertfordshire County Council terms and conditions for receiving funding.

The Right to Withdraw Consent

If consent is required for collecting / processing data, we will follow the GDPR guidelines for obtaining consent. These include:

- Consent requires a positive opt-in. (Don't use pre-ticked boxes or any method of consent by default.)
- Consent for different things given separately - not a blanket consent.
- Name any third parties who will rely on the consent.
- Keep evidence of consent – who, when, how, and what you told people.
- Keep consent under review, and refresh it if anything changes.

Parents / guardians the right to withdraw their consent at any time either verbally, in writing or by email.

We will regularly review consent forms, giving parents / guardians the choice to withdraw consent if they wish.

Retention Period for Records

We retain children's records for three years after they have left the setting; except records that relate to an accident or child protection matter, which are kept until a child reaches the age of 21 years or 24 years respectively. These are kept in a secure place. For details of other retention periods, please see 'retention periods for records' table below.

Children's Records	Retention Period
Children's records, including registers, medication record books and accident record books pertaining to the children.	Standard - 3 years
	Record of accident - until the child reaches age 21
	Child protection - until the child reaches age 24
Records of any reportable death, injury, disease or dangerous occurrence.	3 years after the date the record was made.
Personnel Records	Retention Period
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases
DBS Check	6 months
Wage / Salary records (including overtime, bonuses and expenses)	6 years
Statutory Maternity Pay (SMP) Records	3 Years after the end of the tax year to which they relate.
Statutory Sick Pay (SSP) Records	3 Years after the end of the tax year to which they relate.
Income tax and national insurance returns / records.	At least 3 years after the end of the tax year to which they relate.
Redundancy details, calculations of payments, refunds, notification to the secretary of state.	6 Years after employment ends.
Health and Safety	
Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made.
Records of any reportable death, injury, disease or dangerous occurrence.	3 years after the date the record was made.
Accident or medical records as specifies by the Control of Substances Hazardous to Health regulations (COSHH)	40 years from the date of the last entry.
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees.	Permanently
Financial Records	
Accounting records	3 years from the end of the financial year for private companies. 6 years for public limited companies. 6 years for charities.
Administration Records	
Insurance Certificates	40 years from the date the insurance commences or is renewed.
Minutes / Minute Book	10 years from the date of the meeting for companies,

Access to personal records

Parents or carers 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 or person with parental responsibility must be made in writing to the setting manager.
- The manager informs the committee and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's manager prepares 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.
- The setting manager goes 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, known as the 'clean copy'.
- The 'clean copy' is photocopied for the parents 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 manager, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.

Complaints Procedure

If you think your data has been misused or that Sandon Cygnets Pre-school hasn't kept it secure, you should contact The Manager of the setting and express your concerns.

If you are unhappy with the response or if you need any other advice you should contact the Information Commissioner's Office (ICO). **ICO helpline: 0303 123 1113**

The ICO can investigate your claim and take action against anyone who's misused personal data.

You can also visit their website for information on how to make a data protection complaint.

www.ico.org.uk

Key definitions:

A **data controller** is any person or body which processes data.

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation 2016/679 (the GDPR")

Processing refers to collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data.