

Information Sharing and GDPR

Policy Statement

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances and reasons when we are obliged to share information

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- It is to prevent a crime from being committed or intervene where one may have been or to prevent harm to a child or adult: or
- Not sharing it could be worse than the outcome of having shared it.

The decision will never be made as an individual, but with the back-up of management. The critical criteria are:

- Where there is evidence that the 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 prevention, detection and prosecution of serious crime
- Where a child has left the nursery and all endeavours have been made to encourage them to settle their account and they have refused to do so. In this case any necessary information will be given to Daniel Silverman's Debt Collection Agency.
- Where there is belief that a person is working against the fundamental British Values

Procedures

As a parent, you can at any time ask to see the data we hold on you or your child. We legally have one month to respond however we will remember our Ofsted obligations, so can refuse. However we will inform you regardless of outcome.

The new GDPR regulation will protect every individual in Europe by enshrining a new level of protection on personal privacy rights. The GDPR has a pretty broad definition of 'personal data', which applies

"to any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier."

What they mean by 'identifier' is any personal data:

- Name
- Identification Number
- Location Data
- Online Identification

We will follow the 7 'individual rights' for information sharing as advised by National Nursery Training regarding the new General Data Protection Regulation 25th May 2018

- The Right to be Informed -this is about using our privacy notice to highlight informed data collection and our responsibilities therein
- The Right to Access - staff and parents are allowed to request access; and we must provide this information and prove its legal provenance
- The Right to Rectification - if incorrect or inaccurate data is held by us we will allow parents the right to update the data
- The Right of Erasure - otherwise known as 'The Right to be Forgotten' means the parent or staff member can ask us to delete any information once its use has expired. Again, we will comply with other laws relevant to early years nursery management:
 - to comply with Ofsted, we must keep data - child and parent data for two years
 - Accident data must be kept upwards of twenty years
 - Staffing records for upwards of seven years.
- The Right to Restrict Processing - this means that staff or parents can object to their information being used in a certain way. So, we may

store the information, but cannot use it beyond any narrowly agreed limits.

- The Right to Data Portability -Our system is able to move personal information safely and securely. We make sure our systems adhere to this rule.
- The Right to Object - as the title suggests, staff and parents have a legal right to object to personally identifiable information being used in a way that runs counter to the original use examples include marketing campaigns.

In our setting we ensure parents:

- Receive information about our Information sharing policy when starting their child in the setting and they sign a form to say that they understand circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult. This is on our registration form
- Have information about our Safeguarding Children policy
- Have information about the circumstances when information will be shared with external agencies for example, with regard to any additional needs, Prevent concerns or at risk of Female Genital Mutilation (FGM) or transition to school

Seeking advice when there are doubts about possible significant harm to a child or others

Managers contact children's social care for advice where they have doubts or are unsure **Customer Contact Centre, Perceval House, 14/16 Uxbridge Road Ealing London W5 2HL 020 8825 8000**

Manager can **contact Ealing Prevent Co-ordinator - Nazia Matin -** for advice on radicalisation or advise on extremist arguments
matinn@ealing.gov.uk, 02088258895

We respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child we know when it is reasonable to override their wish.

Managers are conversant with this and are able to advise staff accordingly. We consider the safety and welfare of the child when making a decision about sharing information - if there are concerns regarding 'significant harm' the child's wellbeing and safety is paramount.

In our setting we:

- Record concerns and discuss these with the setting's NSP for child protection matters. Record decisions made and the reasons why information will be shared and to who
- Follow the procedures for reporting concerns and record keeping as set out in *Serious accidents, injuries and deaths that registered providers must notify to Ofsted and local child protection agencies: A childcare factsheet*

Information shared is accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and share securely.

- Our Safeguarding Children procedure and record keeping procedure set out how and where information should be recorded and what information should be shared with another agency when making a referral

Reasons for decisions to share information, or not, are recorded as in our Record Keeping Procedure

- Provision for this is set out in our Record Keeping procedure 7.6

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden

- We give parents a copy of this Procedure on joining the nursery and they sign that they have understood it on our registration form
- Parents are asked to give written consent to share information about any additional needs their child may have
- Parents sign on the registration form that they understand we need to pass on summaries to the next provider/school/external agencies as we feel is in the interest of the child
- Copies are given to the parents of forms they sign if they so request
- We consider the following questions when we need to share:
 - Is there legitimate purpose to sharing the information?
 - Does the information enable the person to be identified?
 - Is the information confidential?
 - If the information is confidential do we have consent to share?
 - Is there a statutory duty or court order to share information?
 - If consent is refused, or there are good reasons not to seek consent if there sufficient public interest to share information?
 - If the decision is to share, are we sharing the write information in the right way?
 - Have we properly recorded our decision
 - Have we complied with GDPR March 2018?

At Little Acorns Day Nursery UK Ltd we take our privacy responsibilities seriously and as such we will only use your personal information to manage our responsibilities towards your child - all personal information will only be used in accordance with this goal. From time to time, we will need to get in touch with you, either via email, letter or telephone, to update you about the nursery, any generic developments and to inform you of any issues relating to your child's health and wellbeing. We will manage this data in a professional, ethical and secure way to maintain the integrity of our records - so that we can run the nursery accordingly. Personally Identifiable Information will not be shared with ANY third parties. Only authorised staff can access your secured personal information. By ticking this box, you confirm that you have read and understood the above privacy statement and as such give us the consent required to contact you regarding matters as highlighted above.

Parent signature in agreement:.....