

Safeguarding Children

1.4 Confidentiality and client access to records

Policy statement

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'* (Information Sharing: Practitioners' Guide)

At Tywardreath Preschool Playgroup, the staff team can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. All staff and students are briefed during induction about good practice with regards to confidentiality and the importance of this in their role.

There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the General Data Protection Regulations 2019 (GDPR) and the Human Rights Act. All data sensitive information and information of a confidential content is locked in the filing cabinet. The only key holder is the preschool manager.

Our General Data protection Regulations Statement:

Tywardreath Pre-School Playgroup takes its General Data Protection Regulation (GDPR) duties seriously and with care. As part of our wish to be transparent and informative, please find information about all the data we may process, store and transfer in relation to our pre-school children and their families, staff, committee, students and volunteers.

Tywardreath Pre-School playgroup abides by General Data Protection Regulation, ensuring that all data is:

- Processed fairly and lawfully and in a transparent manner, in relation to the data subject

- Obtained only for specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Not be kept for longer than is necessary for that purpose or those purposes.
- Processed in accordance with the rights of data subjects under the General Data Protection Regulations 2018.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Shall not be transferred to a country or territory outside the European Economic Area 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.

We have two documents detailing:

- All the data we collect
- What basis we collect the data under
- How we collect the data
- Why we collect the data
- How we store the data
- If we may need to transfer the data
- How long we retain data
- Companies or individuals we may jointly process data with

One document is focused on our pre-school children and their families, the other on our staff, volunteers, students and committee.

These can be found on our website at www.tywplaygroup.co.uk/gdpr

Confidentiality procedures

Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.

Information shared between parents in a discussion or training group is usually bound by a

shared agreement that the information is confidential to the group and not discussed outside of it.

We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents 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.

We keep all records securely (see our record keeping procedures).

Client access to records procedures

Parents may request access to any confidential records held on their child and family following the procedure below:

- a) 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.
- b) The setting commits to providing access within 14 days, although this may be extended.
- c) The setting's manager prepares the file for viewing.
- d) 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.
- e) When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- f) A photocopy of the complete file is taken.
- g) 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. This is called the 'clean copy'.
- h) 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.

- i) 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.

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.

Legal framework

General Data Protection Regulations 2018

Human Rights Act 1998

Further guidance

Information Sharing: Practitioners' Guide (HMG 2006)

www.everychildmatters.gov.uk/_files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf