

Springboard Sunderland Trust

Springboard Nursery

**Data Protection Information and Sharing
Policy (GDPR)**



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Data Protection Information and Sharing Policy (GDPR)	
Category:	Springboard Nursery
Responsible Person:	Marie Hunter
Accountable Person:	Jane Waggott
Date of First Issue:	November 2015
Next Review Date:	14/11/2022

Policy statement

Springboard Nursery needs to collect and use types of information about staff, students, children and other individuals who come into Springboard Nursery. Also, Springboard Nursery may be required by law to collect and use certain types of information to comply with statutory obligations.

Springboard Nursery recognises 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 should never be made as an individual, but with the back-up of management, chief executive. The three 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 the prevention, detection, and prosecution of serious crime.

Procedures

There are seven golden rules for information sharing as set out in: *Information sharing Advice for practitioners providing safeguarding services to children, young people, parents, and carers July 2018*

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information

from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.

5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up to-date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

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 will cover this verbally when the child starts and include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Upon a child's registration parents are asked to give written consent to share information in the following circumstances:
 - If their child may have additional needs
 - To pass on child development summaries to the next provider/school/Health Visitors or any other professionals
 - To allow us to seek emergency medical treatment should their child take ill or have an accident requiring urgent medical attention while in our care.

We consider the following questions when we need to share:

- Is there legitimate purpose for sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you 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, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

The Information we collect

The categories of information that we collect, hold and share include:

- Personal information (such as name, date of birth and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free childcare eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Special Educational Needs Information
- Safeguarding Information
- Medical Needs Information
- Observation and photos for teaching and learning information.
- Your views and comments.

Why we collect and use this information

Springboard provides universal and targeted support for children and families; we need to share information with other agencies such as Health and Early Help. This means sharing records that relate to children and their support needs. On our home visit we ask your permission to contact services such as Health Visitors to discuss your child's needs. You can at this point withdraw your permission for this.

We use this information:

- To support your child's learning
- To monitor and report on progress
- To provide appropriate care to support needs
- To assess the quality of our services
- To comply with the law regarding data protection

We also use the information:

- In referral forms to request additional support
- To provide you and your family with information, products or services that support and help your family, such as the Early Help Service
- To gain additional funding for nursery provision such as the Early Years Pupil Premium information and Inclusion Funding
- The Portals held by Together for Children in order to access places.

The lawful basis on which we use this information

We need to collect and use this information as part of the contract between you and us to deliver childcare, therefore the main legal basis for processing is Article 6b of the General Data Protection Regulation. However, we also need to comply with relevant legislation for processing children's information, such as the Childcare Act 2006, the Children's Act 2004 and the Children and Families Act 2014, so we have statutory obligations under Article 6c.

Some of the information we need to hold is classed as special category information – primarily ethnicity, gender and any health conditions. Our legal basis for processing this data is provided by Article 9h of GDPR.

Collecting your child's information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis – for example the use of permission slips for days out, and digital media to record such events. We will always ask for your consent to record any such information and will respect your right to refuse consent.

Storing pupil data

We generally hold your data for specified times within our Retention Policy. All information is held securely with physical and electronic access controls to safeguard the information. Your personal information will be handled securely and shared strictly on a need to know basis, only by those specifically authorised to do so, and will not be kept longer than is necessary (Retention Policy).

All information we collect from you is signed for and you will be made aware of who will receive it, for example the 'Parent Declaration Form' is shared with the Local Authority/Together for Children in order to access funding for your child's Nursery entitlement and Early Years Pupil Premium. The only information shared without consent may be through a child protection referral. You have the right to ask to see personal information held about you by speaking to the Nursery Manager.

- When your child leaves the Nursery all their records are passed onto the appropriate school / Nursery and signed for.
- An overview of key information on Special Educational Needs and Safe Guarding is retained for one year to enable us to respond to information requests from services, which are helping your child in their Primary School or Nursery.
- EYFS developmental data analysis is retained in order to provide Ofsted with evidence of children's progress over time.
- We also ask your permission how long we are able to use and retain photographs of your child engaging in their activities at Nursery which are used in displays books and to train professionals. If you do not wish your child's photo to be used please ensure you do not sign the form.

Who we share pupil information with

We routinely share pupil / children's information with:

- Schools / Nurseries that the children will attend after leaving us
- Our Local Authority/Together for Children
- The Department for Education (DFE)
- OFSTED during inspections

Why we share information

We do not share information about children with anyone without consent unless law and our policies require us to do so. We share some data with the Local Authority and Department for Education (DFE) on a statutory basis. This data sharing underpins educational attainment, policy development, inspections, and monitoring.

Requesting access to your personal data

Under data protection legislation, anyone with parental responsibility has the right to make a request on behalf of the child to access to the child's information. To make such a request, please contact Nursery Manager (Marie Hunter) the GDPR administrator. You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Prevent processing for the purpose of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensations for damages caused by a breach of the Data Protection regulations

Marie Hunter and Jane Waggott have specific responsibilities for Data Protection within Springboard Nursery; information will be kept either on a computer as well as a paper version. The setting will give information about:-

- Rights to see personal information, which is held.
- How to have the information corrected if, it's wrong or incomplete.
- Rights on how to complain or challenge how the information is used.
- When to prevent your personal information being used in particular ways.
- The rights to be forgotten

If you have any concerns about the way we are collecting or using your personal data, we request that you raise concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this policy, please contact:

Marie Hunter nursery manager at Springboard Nursery, Jane Waggott deputy manager, Steve Reay Springboards chief executive or Keith Miller GDPR officer at Springboard

This Policy is to be read in conjunction with the Privacy notice, Safeguarding ICT and Media Policy, Retention of Children's records and Confidentiality and Client access to records policies

Legal framework

- Data Protection Act 2018
- Human Rights Act 1998
- General Data Protection Regulations (GDPR) 2018

Further guidance

Information sharing - Advice for practitioners providing safeguarding services to children, young people, parents, and carers July 2018

This policy was adopted by Springboard Nursery

Date: 12/11/2021

Date to be reviewed: 14/11/2022

Signed by the manager (Marie Hunter) *M. Hunter*

Signed by the signatory *S. Reay*

Name of signatory Steve Reay

Role of signatory Chief Executive