



Confidentiality and Data Protection Policy **(includes information, documentation, record keeping, and record retention)**

Aims

Ashley Down After School Club recognises the importance of maintaining up to date and accurate records, policies and procedures necessary to operate safely, efficiently and in accordance with the law.

To ensure that Ashley Down After School Club treats all confidential and personal information and data (whether written or verbal) in an appropriate way and in line with GDPR 2018 as follows:

- To ensure that all information is stored, shared, archived and deleted according to the regulations and guidance of the General Data Protection Regulation 2018 (GDPR).
- To ensure that the staff team are aware of the implications of GDPR 2018 in connection with their roles and responsibilities within the setting.
- To ensure there is a Privacy Notice for parents and employees.
- To ensure there is an Information Audit/Record of processing activity.
- To ensure that parents/carers are able to access the setting's policies and procedures.
- To ensure that parents/carers are able to access records kept about their child.

Procedure

The setting will comply with the six principles of the GDPR which state that data processing must be:

- lawful, fair and transparent;
 - only used for the purpose for which it was originally requested (unless with further consent) and the setting will be clear about the purpose of the data processing;
 - limited to what is adequate to fulfil its purpose and relevant;
 - accurate and kept up to date;
 - retained for no longer than necessary and deleted appropriately;
 - processed in a secure way, with integrity and responsibility, to protect the data and avoid loss or damage.
- The Club will appoint a 'Data Controller' and, if required, will register with the Information Commissioner's Office (ICO). The Business Administrator will normally be appointed as Data Controller.
 - The setting will keep certain information that is legally required in order to register a child, such as a child's date of birth and parents' contact details. There is also a

statutory requirement to keep some record of the learning progress of each child. There will be other information which the setting may request, based on consent; the setting will indicate which data requests are consent based in order that parents/carers can make an informed choice, for example taking photographs of a child. Parents/carers have the option to refuse or withdraw consent at any time.

- When requesting consent based data for children under 13 years, the setting will obtain consent from whichever adult holds parental responsibility for that child. We will make reasonable efforts to verify that the person giving consent for the child does have parental responsibility for that child.
- In line with the EYFS, we will liaise with parents/carers to keep them updated about their child's well-being and progress. Parents/carers have the right to see any information that is held on them as well as that of their children. The Parents' Privacy Notice will detail this and the 'lawful basis' for holding this data.
- In line with the EYFS and Employment Law, the setting will keep records on employees and volunteers to ensure suitability, good practice and well-being. Employees and volunteers have the right to see any information that is held on them.
- The setting will store all personal records in a secure location. Paper records will be kept in lockable storage. Electronic records will be password protected. Security measures will be implemented for all portable electronic equipment
- The management, staff, volunteers and any other individual associated with the running or management of the setting will respect confidentiality by:
 - not discussing confidential matters about children with other parents/carers;
 - not discussing confidential matters about parents/carers with children or other parents/carers;
 - not discussing individual children outside of the setting;
 - not discussing confidential information about staff members.
- Any child protection concerns will be handled in line with our Child Protection Policy.
- Parents/carers will be made aware that we have a duty to share and/or pass on child protection/safeguarding information to relevant agencies and the next education provider.
- Parents/carers will have, on request, access to their own child's records only, unless subject to an exemption. If for any reason an access request is refused by the setting, this decision, and an explanation, will be communicated to the parents/carers in writing within a month.
- Staff will only discuss individual children with other relevant members of staff for the purposes of planning/reviewing, group management or safeguarding.

- We will not release personal information about a child to external agencies without the prior permission of parents/carers. The setting will seek active consent from parents/carers to share information with health, education and inclusion professionals. The exception to this is where doing so would put the child at significant risk of harm.
- The setting may share parent/carer information with the HMRC and other providers of funded places, where necessary, e.g. a child accessing two or more settings.
- Staff, management, students and volunteers failing to show due regard for confidentiality will be liable to disciplinary action under the provisions of the Staff Disciplinary Procedure.
- The setting will not share data with any third party unless specified above.

Record Keeping

Ordinarily, information kept on a child will include:

- Full name (along with any other names the child is known by).
- Date of birth.
- Gender.
- School attended.
- Ethnic background.
- Religion.
- Languages spoken.
- Home address and telephone number(s).
- Parents or carers name.
- Parents or carers place of work and contact number(s).
- Any other emergency contact names and numbers.
- Family doctor's name, address and telephone number.
- Health visitor's name, address and telephone number (if applicable).
- Details of any special health issues (including a special educational needs or physical disability statement).
- Details of any special dietary requirements, allergies and food and drink preferences
- Record of immunisation
- Appropriate records of children's progress and achievements (particularly but not exclusively for children in the Early Years Foundation Stage).
- Names of people authorised by parents/carers to collect children, along with recent photographs (if appropriate).
- Any other information relating to the child deemed by staff or parents/carers to be relevant and significant.

Additionally, and in accordance with our policies and procedures, the following records and information will be stored and maintained by the Club:

- An up to date record of all the staff, students and volunteers who work at the Club, including their name; address; telephone number; DBS checks; references; employment details and any other information (such as their Personal Development Plan) accrued during their time spent working at the Club.
- A record of any other individuals who reside at, or regularly visit/spend time at the Club, including their contact details.
- The daily attendance registers, as set out in the Arrivals and Departures policy.
- An up to date waiting list with details of all children waiting for a place at the Club.
- Records of the activities planned and implemented by the Club, including any off-site visits and outings.
- Records of any medication being held by staff on behalf of children, along with the signed Administration of Medication Form, in the Medication Record Book (in accordance with the Health, Illness and Emergency policy).
- Records of signed Emergency Medical Treatment Forms, giving parental authorisation for staff to consent to emergency treatment for children (in accordance with the Health, Illness and Emergency policy).
- An Inventory Record of all equipment owned or used by the Club, including safety checks and repairs carried out.
- A fully completed and up to date Accident Record Book and Incident Record Book.
- Additionally, a regularly updated version of the Registration list will be kept off the premises, but close by, in case of an emergency, such as a fire.
- Information and records held on children will be kept in a locked file, access to which will be restricted to the Play Facilitator and one other designated member of staff.

The Play Facilitator has overall responsibility for the maintenance and updating of children's records and ensuring that they are accurate.

Data Breach

- If a data breach occurs, i.e. personal data is lost, destroyed, shared inappropriately or if someone accesses the information without permission, we will investigate the breach within 72 hours including:
 - informing the individuals involved;

- promptly addressing the breach;
 - identifying the severity of the breach;
 - reporting the breach to the ICO, if required. Failure to notify may result in a fine.
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- If it is decided not to report the breach we will justify this decision and record it as an incident in the Log of Data Breaches. Ashley Down After School Club will then identify what needs to be implemented to ensure this breach doesn't occur again.
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- Parents have the right to complain to the ICO.

Retention of Records

There can be confusion over the retention of records relating to childcare provisions. The list below should help you to know how long you need to keep past records for. You need also to ensure that all records are stored confidentially and securely.

Financial records

Currently 6 years. Check with HMRC for latest guidance. Keep in mind that this is a rolling requirement i.e. your organisation will already be storing financial information going back 6 years - some of this will need to be destroyed each year. This covers financial accounts, sales invoices, purchase invoices, petty cash information, bank statements, cheque book and paying in book stubs, VAT information, payroll information, HMRC returns, National Insurance etc.

Children's Records

Must be kept for 3 years from the date the child left the setting. Again this is a rolling requirement and the setting will already be storing this information going back 3 years. This information needs to be destroyed (cross-shredded or burnt) each year. The information included in this section includes:

- Children's registration forms.
- Daily register including names of the children attending, hours of attendance and the names of the people looking after them.
- Record of any medicinal product administered to any child on the premises.
- Incident Forms
- The name, home address and telephone number of the registered person (Trustees board) and every person living or employed on the premises.

Employment records:

Recruitment information: 6 months.

Employment records should be kept for 6 years after employment ceases.

Accident records and insurance information:

If there has been a serious accident, latest guidance is that records and information about this are kept for 40 years in case any future insurance claim is brought about.

Otherwise, it is 3 years.

Complaints Log/record

3 years

Policies and procedures, fire safety records, gas and electrical appliance testing records etc: if not required re any complaint or accident (see above) no legal requirement, but it would make sense to keep them for a period of 3 years.

The club keeps paper records at the club and also electronic records both on the computer at the club and also using a number of online services (including Ipal database, yahoo email, dropbox, and online banking). The Play Facilitator will ensure that all information is kept securely and that appropriate passwords are used so that only authorised members of staff and Trustees can access data.

For further info:

<http://www.cipd.co.uk/subjects/hrpract/psnlrecrd/retrecords.htm>

- When a child leaves, we will hand over educational records (learning diaries), and photographs to the parents/carers and delete any copies. Other records will be retained by the setting and destroyed as appropriate according to the setting's Retention of Records section.
- If Ashley Down After School Club closes, records will be kept securely according to the Retention of Records section.
- Paper documents will be destroyed by being cross-shredded or burnt. Information stored on digital storage devices will be deleted when it is no longer required.
- Staff records will be retained throughout their employment and when an individual leaves some records will be retained in line with the setting's Retention of Records section or destroyed as above.

For further information see:

- Data Protection <https://ico.org.uk/>

- GDPR 2018 Advice, including information about a data breach is available from the **ICO Helpline 0303 123 1113**
- Freedom of Information of information Act <https://ico.org.uk/>
- Bristol's Information Sharing Protocol
<https://www.bristol.gov.uk/data-protection-foi/information-sharing-agreements>
- Guidance on the Transfer of a Child Protection Safeguarding File to another Education Setting:
<https://bristolsafeguarding.org/media/n0nlf1ue/kb-bsp-transfer-of-cp-and-safeguarding-file-update-final-version.pdf>

DOCUMENT HISTORY

Reference	Author	Summary of changes	Issued
Issue 1		Original Version	
Issue 2	Emma Hallett	Updated in light of changes in local arrangements and also formatted into standard format.	Nov 2011
	EH	reviewed – no changes needed	Sept 2012
Issue 3	Sheila Gould	reviewed – to reflect Muller Road and Brunel Field	November 2013
Issue 4	Sheila Gould	No Change	December 2014
Issue 5	Raquel de Mena	Added Record keeping	November 2016
Issue 6	Rakel de Mena	Merged record keeping and data protection policy	June 2020
Issue 7	Rakel de Mena	Designate Business Administrator as a Data controller. Merge with Information and Documentation policy	February 2021

Date Approved: 1/6/21

Signed:

Position: Trustee

Name: J.Hodgson

Date for review: Feb 2022