Data Protection Policy Statement

Please also refer to our Child Protection Policy, Confidentiality Policy, Code of Conduct, Tapestry Policy, Photographic Policy and Data Management Plan

Guidance

Freedom of Information Act 2000

The Data Protection Act 2018

Early Years Statutory Framework – September 2026

Information Sharing Duty - 2026

National Cyber Security Centre. Early Years practitioners: using cyber security to protect your settings - 2021

Statement of Intent

We will follow the data protection and safeguarding legislation and guidance that applies to our work, including the Data Protection Act 2018, the UK GDPR as amended, the applicable Early Years Foundation Stage statutory framework, current statutory information-sharing guidance for safeguarding children, and relevant local safeguarding procedures. We will check and update references when legislation or guidance changes. We use personal information fairly, lawfully, securely and for clear purposes. Appropriate information sharing is an important part of safeguarding children and promoting their welfare. Data protection law does not, by itself, prevent us from sharing information where there is a lawful basis. We will not allow uncertainty about confidentiality or data protection to delay necessary action to protect a child.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this Box Pre School Playgroup must comply with the Data Protection Principles which are set out in the Data Protection Act 2018. In summary these state that personal data must be:

- obtained and processed fairly and lawfully;

- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose; adequate, relevant, and not excessive for that purpose;
- accurate and kept up to date;
- not kept for longer than is necessary;
- processed in accordance with the data subject's rights;
- kept safe from unauthorised access, accidental loss, or destruction;
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All Box Pre school playgroup staff and volunteers who process or use any Personal Information must ensure that they follow these principles at all times. In order to ensure that this happens Box Pre School Playgroup has adopted this Data Protection Policy.

Notification of Data Held and Processed

All employees, trustees, parents, visitors, and other members of the public have the right to:

- know what information Box preschool playgroup holds and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date;
- know what Box preschool playgroup is doing to comply with its obligations under the Act.

The Data Controller and the Designated Data Controllers

Box Pre school playgroup as a registered charity is the Data Controller under the Act, and the organisation is therefore ultimately responsible for implementation. However, Designated compliance officers will deal with day to day matters. Box Preschool Playgroup's Designated compliance officer is Yvonne Jenkinson (supervisor).

Personal Information

Personal Information is defined as any details relating to a living, identifiable individual. Within Box Pre School Playgroup this relates to employees; attending children and their families; trustees; professional visitors; and some members of the public e.g. job applicants. We need to ensure that the information gained from each individual is kept securely and to the appropriate level of confidentiality.

The personal information collected from individuals could include:

- Their name
- Address
- Email address
- Telephone numbers-including those of emergency contacts
- Date of birth
- Medical information
- National Insurance number
- DBS numbers
- Observations of children's progress (learning journals on Tapestry)
- Children's reports, preschool or from outside professionals.
- Photographs
- Family medical history when necessary

Processing of Personal Information

All staff and volunteers who process or use any Personal Information are responsible for ensuring that:

- Any Personal Information which they hold is kept securely;
- Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.

Sharing of Safeguarding Concerns

A lawful safeguarding disclosure is not an unauthorised disclosure simply because a parent or carer has not consented. Where staff have a safeguarding concern, they must follow our Child Protection Policy and

promptly speak to the Designated Safeguarding Lead (DSL) or deputy. If a child may be at immediate risk, staff must take urgent action in line with our safeguarding procedures and contact emergency services where appropriate.
Staff must share information only with a person or organisation that has a legitimate role in the matter, and only to the extent relevant and necessary for the safeguarding or other lawful purpose. Staff must use an approved secure method, record significant decisions, including what was shared, with whom, when, why, the lawful basis considered and any decision not to share. Staff must not delay a necessary referral while waiting for parental permission.

Procedures at Box Pre School Playgroup
This procedure covers Technical, Organisational and Physical Security Measures.
Technical
Box Pre-School uses data stored on:

- a password protected and encrypted computer and laptop
- visual images on a digital camera and Ipads/tablets
- Box Pre-School website
- Tapestry (on line learning journal website)

o Letters
o Forms
o Notes for the Record
These components are stored in filing cabinets in a locked cupboard within the locked building. The computer, camera, Ipads/tablets and paper data (except children's development folders) can only be transported by staff and committee members with the permission of the Supervisor or Deputy.
The people removing data or items undertakes to keep the data or items in a secure and confidential environment, whilst it is in their care.

Organisational
Box Pre-School has a Confidentiality Policy which all staff, committee members and parents are made aware of.
Risk Assessments are carried out on a daily, termly and ad-hoc basis and signed off by the compliance officer.
Box Pre-School uses the following reports on a daily/termly basis:

- Accident Book
- Incident Book and Forms

- Changing Record
- Fire Drill Book
- Observational Sheets
- Activity Plans
- Planning Sheets
- General letters to parents e.g. newsletters

These books and forms are kept in the office cupboard and are locked away at the end of each session. All materials are archived for the appropriate legally required timings.
Staff and committee personnel files are maintained by the individuals themselves and are kept locked in the cupboard. Personnel files contain details of address, Personal data

Conversations and Meetings

Information of a personal or confidential nature should not be discussed in a public area, in front of anyone that is not an employee of the preschool. Preschool employees should be aware of confidentiality at all times when discussions are taking place, either distancing themselves from the conversation if it does not concern them, or, ensuring that their discussion is not overheard by others. All staff should respect the confidential nature of any information inadvertently overheard.

When meetings are being recorded it is important that only relevant information is written down. This must be carried out using the correct forms provided by the preschool, notes must be written legibly and coherently. The written notes are then to be stored in a locked cupboard and disposed of (shredded) in a timely manner once the child/family have left the setting (1 year unless of a child protection nature).

Collecting Information
When we collect personal information, we will explain why we need it, how we use it, who may receive it and how people can exercise their rights.
We will identify and document an appropriate lawful basis for each purpose. Consent is one possible lawful basis, but it is not the basis for all our processing and is not always required for safeguarding information sharing. Where we rely on consent for an optional use, we will explain this and how consent can be withdrawn.
For sensitive information, we will identify the additional condition required by data protection law. We will not assume that consent alone makes processing lawful.

Sensitive Information

Some personal information receives additional legal protection. This includes special-category data, such as health information and racial or ethnic origin, and personal data relating to criminal allegations or offences. Before processing or sharing it, we must identify an appropriate lawful basis and any additional condition required by the UK GDPR and Data Protection Act 2018. The correct condition depends on the circumstances and must be recorded where required.

We may share sensitive information for safeguarding purposes without relying on data-protection consent where another lawful basis and the required additional condition apply. We will consider the child's best interests, share only what is relevant and necessary, and follow our safeguarding and information-sharing procedures.

Disposal of Confidential Material

Sensitive material should be shredded as soon as it is no longer needed; following retention guidelines and statutory requirements. Particular care should be taken to delete information from the tablets or the computer hard drive if they are to be disposed of.

Staff Responsibilities

All staff are responsible for checking that any information that they provide to Box Preschool Playgroup in connection with their employment is accurate and up to date. Staff have the right to access any personal data that is being kept about them, either on computer or in manual filing systems. Staff should be aware of and follow this policy and seek further guidance where necessary. Staff are required to sign a privacy notice in this respect.

With regards to safeguarding staff must:

- Raise safeguarding concerns promptly with the DSL or deputy and follow our safeguarding policy and local referral procedures.
- Do not promise absolute confidentiality where information may need to be shared to protect a child.
- Do not assume parental consent is always required before making a safeguarding referral or sharing information lawfully.

- Check the recipient and use an approved secure method; verify identity where appropriate.
- Keep factual, dated records and distinguish observations, information reported by others and professional opinion.
- Record significant sharing decisions, including decisions not to share, and seek advice when unsure.
- Report any loss, misdirection or unauthorised disclosure immediately under our data breach procedure.

Duty to Disclose Information

Information sharing to safeguard and promote children's welfare

We may hold information about a child or about another person where that information relates to the child. Where information may help safeguard or promote a child's welfare, we will promptly consider whether it should be shared and with whom.

Where the statutory Information Sharing Duty applies to us and the proposed recipient, we will comply with it. The duty applies only to the persons and circumstances specified in legislation; we will not assume every organisation or every request falls within its scope. We will follow current statutory guidance and local safeguarding procedures.

Where that specific statutory duty does not apply, we may still share information when another lawful basis, legal obligation or power permits it and the sharing is necessary and proportionate. Depending on the circumstances, recipients may include children's social care, Wiltshire Council, health professionals, the police, emergency services, the child's school or another relevant safeguarding professional.

We will usually be open with families about information sharing where safe and appropriate. We may share without informing a parent or carer beforehand where telling them could increase risk to a child or another person, prejudice an investigation, or otherwise be inappropriate under safeguarding guidance or law. We will not seek consent where it is unnecessary or where doing so could put a child at risk.

For each significant decision, record the concern or purpose, the information shared or withheld, the recipient, date and method, the lawful basis and any additional condition relied on where relevant, and the reasons for the decision. If we decide not to share, record the reasons and seek advice where appropriate. In urgent situations, act promptly and complete the record as soon as practicable.

This does not permit indiscriminate sharing. Information must be relevant, accurate so far as reasonably possible, proportionate, sent securely and limited to people who need it for a legitimate purpose.

Retention of Data

Box Preschool Playgroup takes care to only store personal information that is absolutely necessary.
Personal information is kept for the period of time requested following guidelines from the Preschool Learning Alliance, these retention periods are either recommended or statutory.
Stored information is filed in locked filing cabinets until such time it can be destroyed.

Data Processors
Agreements are in place with persons who process data on our behalf such as PayeStaff , Tapestry (on line learning journals) and web designers.

Cyber Security
We are aware of the importance of cyber security and our safeguarding role. We follow the four steps outlined below to reduce the likelihood of being a victim of cyber attacks
1. We regularly back up important information
2. Passwords are used to access computers, devices and documents.
3. We protect our devices from viruses and malware.
4. We are alert to suspicious messages and unusual requests (phishing attacks). If we receive a suspicious email we will report it to report@phishing.gov.uk