

52: Data Protection and GDPR

At Superkids Club we respect the privacy of the children attending the Club and the privacy of their parents or carers, as well as the privacy of our staff. Our aim is to ensure that all those using and working at Superkids can do so with confidence that their personal data is being kept secure.

Superkids recognises the importance of maintaining up to date and accurate records, policies and procedures necessary to operate safely, efficiently and to promote the welfare, care and learning of children in accordance with the law.

Superkids is also aware of its obligations with regard to the storing and sharing of information under the Data Protection Act 2018 and is committed to complying with its regulations and guidance. The manager and staff are aware of the implications of the Data Protection Act in so far as it affects their roles and responsibilities within the setting. Information on the Act can be found at <http://www.ico.gov.uk/>.

This policy aims to minimise the risk of inappropriate use and distribution of personal data relating to those children, parents and families that use the setting.

The lead person for data protection is Jo Murray. The lead person ensures that the Club meets the requirements of the GDPR, liaises with statutory bodies when necessary, and responds to any subject access requests.

What is the GDPR?

The General Data Protection Regulation (GDPR) is a new law that replaces the Data Protection Act (DPA) 1998. It came into effect on 25 May 2018.

It extends the provisions of the existing DPA by placing greater obligations on how organisations handle personal data and gives individuals more control over how their data is stored and used.

Confidentiality

Confidential information and records about children and staff will be held securely and may only be accessed by those who have a right or professional need to see them. Superkids recognises the right of users to have information about them held in private and secure files. Staff, Parents and children may submit a request in writing to the manager, to have access to their own files.

The manager, staff, volunteers and any other individual associated with the running or management of Superkids will respect confidentiality by:

- only ever share information with a parent about their own child.
- Information given by parents to Club staff about their child will not be passed on to third parties without permission unless there is a safeguarding issue (as covered in our Safeguarding Policy).
- Concerns or evidence relating to a child's safety, will be kept in a confidential file which is managed by the designated Child Protection Officer and the manager.
- Staff only discuss individual children for purposes of planning, group management and maintaining their safety and wellbeing.
- Staff are made aware of the importance of confidentiality during their induction process.

- Issues relating to the employment of staff, whether paid or voluntary, will remain confidential to those making personnel decisions.
- All personal data is stored securely in a lockable file and on a password protected computer.
- Students on work placements and volunteers are informed of our Data Protection policy and are required to respect it.
- 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 confidential information about other staff members.
- Only passing sensitive information, in written or oral form, to relevant people.

In circumstances where staff have good reason to believe that a child is at risk, or is likely to be at risk, of child abuse or neglect, the Safeguarding Children/Child Protection policy will override confidentiality on a 'need to know' basis.

Parents/children/staff have the right to trust that information given to Superkids is given in confidence and will be used only for the purposes for which it was given and will not be released without their consent.

Staff Confidentiality:

Personal information about members of staff must be regarded as confidential at all times. This includes information such as:

- Staff sickness
- HIV or related illness status
- Current or previous disciplinary procedures
- Employment references
- Personal living arrangements such as family life and sexuality
- Address and home telephone number
- Any other information that has been given in confidence

Staff failing to show due regard for confidentiality will be liable to disciplinary action under the provisions of the Staff Disciplinary & Grievance Procedures policy.

Information that we keep

The items of personal data that we keep about individuals are documented on our personal data matrix. The personal data matrix is reviewed annually to ensure that any new data types are included.

Information about the child: for each child in Superkids care: we hold full name; date of birth; name and address of every parent and/or carer who is known to the provider (and information about any other person who has parental responsibility for the child); which parent(s) and/or carer(s) the child normally lives with; and emergency contact details for parents and/or carers. This data will be held on the following documents registration forms, medical forms, attendance records, incident and accident records and so forth.

Children and parents: We hold only the information necessary to provide a childcare service for each child. Our lawful basis for processing this data is fulfilment of our contract with the child's parents. Our legal condition for processing any health-related information about a child, is so that we can provide appropriate care to the child. Once a child leaves our care, we retain only the data required by statutory legislation and industry best practice, and for the prescribed periods of time. Electronic data that is no longer required is deleted and paper records are disposed of securely or returned to parents.

Staff: We keep information about employees in order to meet HMRC requirements, and to comply with all other areas of employment legislation. We retain the information after a member of staff has left our employment for the recommended period of time, then it is deleted or destroyed as necessary.

Sharing Information with Third Parties

We will only share child information with outside agencies on a need-to-know basis and with consent from parents, except in cases relating to safeguarding children, criminal activity, or if required by legally authorised bodies (e.g. Police, HMRC, etc), as part of the normal running of our business, for example in order to manage our payroll and accounts. Premises hired will be provided with employees DBS details for safeguarding purposes. If we decide to share information without parental consent (for the reasons stated above), we will record this in the child's file, clearly stating our reasons. We will only share relevant information that is accurate and up to date. Our primary commitment is to the safety and well-being of the children in our care. Any such third parties comply with the strict data protection regulations of the GDPR.

Subject Access Requests

Superkids believes in an open-door policy so that parents and carers can work in partnership together.

Parents are welcome to view the information and records relating to their child, and/or any information that we keep about themselves. at all times. In accordance with the requirements of the "Access to Personal Files Act 1987", we operate an open files policy if a parent, team member or volunteer wishes to see their personnel file they must make a written request to the line manager, sharing this information will be carried out in a confidential manner.

- We will make the requested information available as soon as practicable and will respond to the request within one month at the latest.
- If our information is found to be incorrect or out of date, we will update it promptly.
- If any individual about whom we hold data has a complaint about how we have kept their information secure, or how we have responded to a subject access request, they may complain to the Information Commissioner's Office (ICO).
- Staff and volunteers can ask us to delete their data, but this may mean that we can no longer employ them as we have a legal obligation to keep certain data. In addition, even after a staff member has left our employment, we have to keep some data for specific periods so won't be able to delete all data immediately.

Superkids policies and procedures will be kept on display at the front desk so that they are available for viewing.

We will share information with parents through notices, signs, emails, Newsletters.

GDPR

Consent

All information we retain must be freely given based on clear information provided by Superkids to what the data will be used for. All individuals (parents/carers, employees and children) have clear distinct choices upfront and ongoing control over their consent.

We comply with the requirements of the General Data Protection Regulation (GDPR), regarding obtaining, storing and using personal data.

Principles of the GDPR

The key principles of the GDPR are that personal data is:

- Collected and processed for a lawful reason, and in a fair and transparent way
- Only used for the purpose that you originally collected it
- Limited to that which is necessary for the stated purpose (in other words, you don't collect irrelevant data)
- Accurate and kept up to date
- Kept only for as long as it is necessary
- Kept secure.

Your data protection rights:

Superkids would like to make sure you are fully aware of all your data protection rights. Everyone is entitled to the following:

- **The right to access** – you have the right to request Superkids for copies of your personal data. We may charge you a small fee for this service.
- **The right to rectification** – you have the right to request that Superkids correct any information you believe is inaccurate. You also have the right to request Superkids to complete information you believe is incomplete.
- **The right to erasure** – you have the right to request that Superkids erase your personal data, under certain conditions.
- **The right to restrict processing** – you have the right to request that Superkids restrict the processing of your personal data, under certain conditions.
- **The right to object to processing** – you have the right to object to Superkids processing of your personal data, under certain conditions.
- **The right to data portability** – you have the right to request that Superkids transfer the data that we have collected to another organisation, or directly to you, under certain conditions.

If you make a request, we have one month to respond to you, if you would like to exercise any of these rights, please contact Jo Murray at: admin@superkidsclub.co.uk

Documentation and Information

Superkids is committed to a policy of openness with parents/carers with regard to its policies and procedures and the information that Superkids holds on their child. Records and information will be made available to parents/carers/staff on written request unless subject to

an exemption. If for any reason a request is going to be refused, then this decision, and an explanation, will be communicated in writing.

Records are always available for inspection by OFSTED.

All accident, RIDDOR and child protection records are kept and archived.

Superkids certificate of registration or any notice of suspension of registration is displayed on the premises at all times.

Definitions

The following definitions will be used:

Personal Data:

General Information relating to Parents / Carers and Children that access services at our setting. Personal data is information which relates to living individuals and by which that individual can be identified.

Personal information, for the purpose of this policy also includes photographic images (see below).

Sensitive Information:

Some information initially collected may include sensitive personal data. Information that is collected and used by Childcare Provisions that falls into this category includes:

- Ethnic origin
- Employment status
- Details of any special health issues (including special educational needs or physical disability statement)
- Appropriate records of children's progress and achievements
- Any other information relating to the child, deemed by staff or parents / carers, to be relevant and significant

Staff & Childcare Information

Details relating to employees are also kept on record, in addition to up to date records of all the staff and volunteers who work at Superkids, including their name, their position and Disclosure and Barring Service check.

Other information (such as Personal Development Plans for staff), accrued during their time spent working at Superkids, will also be stored in accordance with this policy.

Additionally, the following records and information will be stored and maintained by Superkids:

- An accurate daily staff, students and volunteer's attendance registers and visitor's logs;
- Records of the activities planned and implemented, including any off-site visits and outings;
- A record of the risk assessments on buildings, sessions, activities and visits clearly stating, when they were carried out, by whom, date of review, and any action following;
- Inventory Records of all equipment owned or used by the provision including safety checks and repairs carried out;

- Completed Accident and Incident forms

Data & Image Management & Processing

In the spirit of the Information Commissioner's Office's principle of 'Fair Processing' and under Schedule 2 of The Act, we only collect personal information for which there is a legitimate use and do not use the information in any way that has unjustifiable adverse effects upon the individuals concerned or use the data in any way that is unlawful.

We expect all of our staff to be open and honest about the intended use of the information we collect and handle the information in ways that they would reasonably expect.

Data Cleansing:

The manager has overall responsibility for the maintenance and updating of records and ensuring that these are accurate.

Retention Period of Written Records and Photographic Images:

All required records relating to individual children are maintained and retained for three years after children last attended the setting. This does not apply to the retention of photographic images, which should be kept for no longer than 12 months (see 'Photographs and Digital Photographic Images' below).

Record Keeping

Ordinarily, information kept on a child will include:

- Birth name (along with any other name the child is known by).
- Date of birth
- Gender
- School attended
- Ethnic origin*
- Religion
- Languages spoken
- Home address and telephone number(s)
- Parents' and carers' names and addresses
- Parents' or carers' place of work and contact number(s)
- Name of parent the child normally lives with
- 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 the child's progress and achievements
- Names of people authorised by parents/carers to collect the child, along with recent photographs
- Any other information relating to the child deemed by staff or parents/carers to be relevant and significant.

*This data can be collected on a voluntary basis. The ethnicity of a child should only be recorded if parents have given ethnicity.

Other Records Kept

- A record of any other individuals who reside at, or regularly visit/spend time at the setting, 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 setting, as set out in the Documentation and Information section.
- Records of any medication being held on behalf of children, along with the signed Administration of Medication Form, in the Medication Record Book (in accordance with the Illness and Medication policy).
- Records of any medication administered to any child, including dates, circumstances and who administered it - this includes self-administered medication.
- Records of signed Emergency Medical Treatment Forms, giving parental authorisation for staff to consent to emergency treatment for children (in accordance with the Illness and Medication policy).
- An Inventory Record of all equipment owned or used by the setting, including safety checks and repairs carried out (in accordance with the Equipment policy).
- A regularly updated version of the admissions list will be kept off the premises, but close by, in case of an emergency, such as a fire.

Data & Image Security:

Information and records held on children will be kept in a secure locked location.

Restricted documents must not be taken from Superkids without agreement for transport and storage. They must not be left unattended in cars or opened on public transport.

All paper-based files containing personal and or sensitive information that have exceeded their retention period should be shredded on site.

All electronic personal and / or sensitive information including still and moving images will be held on a password protected computer. When not in use, portable Laptops must be stored in a safe or locked cabinet or cupboard. The computer must not leave the setting's premises. Images will be stored directly on the computer and immediately deleted from the device that captured or recorded them originally.

Still and Moving Images

Still and moving images (i.e. photographs and video footage) within the setting will only be taken by Superkids staff and only following written parental consent for the child/ren being photographed.

It is likely that there will be occasions during a child's time at Superkids when staff may wish to photograph or video children as part of an observation or to record an achievement to show their parent / carer.

Superkids will not use the personal details or full name (first name and/or surname) of any child in a photographic image on its website or in any other printed material without consent. Generally, images of children will not have an accompanying name in the text or caption; if a

name is used in the text, Superkids will not use an image of that individual unless specific permission has been granted. No images of children will be released to press or media contacts without the relevant written parental consent.

No photographs of children will be released to press or media contacts or used in any of Superkids marketing, externally or internally, without the formal consent, in writing, from the parent or carer of the child/ren being photographed.

All written consents relating to the use of photographic images of children will be filed at Superkids for the life of the image or images to which it relates.

Photographic Displays:

Superkids will not use the personal details or full name (first name and/or surname) of any child in an image on its display, website or in any other printed material without having gained the consent, in writing, from the parent or carer of the child(ren).

Where the images are used in mounted displays, either at Superkids or elsewhere, reference to the written consent to display the image(s) must be clearly indicated on the reverse of the image.

Notification of Changes

Superkids recognises its responsibilities in keeping children, parents/carers, staff and Ofsted informed of any changes to the running or management of the setting that will directly affect them.

Wherever possible, if changes are to be made, affected parties will be given as much warning as possible. In the case of proposed changes that are of considerable scope or importance, Superkids will facilitate consultation with the affected groups or individuals.

In the following cases, it is mandatory for Superkids to inform Ofsted at the earliest possible opportunity – within 14 days after the change occurs:

- Any significant change to the premises.
- Change of premises address where childcare is provided.
- Change in the type of childcare, for example, from after school setting to childminding.
- Any change of the registered person's name, address or telephone number.
- Any change in registered person and person in day to day charge.
- Any proposal to change the hours during which childcare is provided.
- Any changes that will affect the suitability of the registered person or anyone who cares for children on the premises. For example, committing an offence that would result in disqualification.
- Any incident of food poisoning affecting two or more children in the care of the childcare setting.
- Any serious accident or injury to, or death of any child receiving childcare.

- Any serious accident or injury to, or death of any person on the childcare premises. If were not informed how do, we meet this requirement?
- Any allegation of serious harm or abuse of any child committed by a member of staff (whether the offence is committed on or offsite).
- Any allegation of serious harm or abuse of any child occurring on the premises and committed by any person (whether they are children, staff, parents or visitors). If were not informed how do, we meet this requirement?
- Any significant change to the operational plan of the setting.
- Any other significant events.

The policy was adopted by: Superkids club Ltd	Date: 08.04.2020
To be reviewed: April 2021	Signed: Jo Murray & Jessica Baker

Written in accordance with the Statutory Framework for the Early Years Foundation Stage (2017): Safeguarding and Welfare Requirements: Information and records [3.68 -3.72].

Other legislation informing this policy:

- The Children Act 1989
- The Children Act 2000
- Local Government Act 2000
- Crime and Disorder Act 1998
- Freedom of Information Act 2000