Data Protection Policy

This not a definitive data protection policy: merely a guideline.
Use this to create a policy which accurately represents what you do in in your own childminding setting.

This Data Protection Policy is in accordance with the Requirements and the underpinning, good-practice principles of the Early Years Foundation Stage 2017 (see 3.61, 3.69, 3. 70).
My Data Protection Policy, Privacy Notice and Information Audit/Record of Processing Activity comply with the General Data Protection Regulation 2018.
All assistants, co-childminders or students working with the childminder must abide by this policy.
Good practice to get childminding assistants to sign a confidentiality agreement.

Maintaining confidentiality and sharing information
I will keep confidential any information about minded children and their family members, which has been shared with me or my childminding assistant. The duty to maintain confidentiality comes from the common law duty of confidence and the Human Rights Act 1998. I will not discuss your information (parent/carer or family) or your child's information with anyone, unless it is with your prior, written consent and for the purpose of supporting your child's well-being and development. Consent forms for data/information sharing with another professional, will make it clear with whom the information will be shared, what information will be shared and in what way: whether verbal, written or electronic.
In my Privacy Notice I have detailed more information for you about other agencies with whom I may be required to share information from time to time, such as with an Ofsted inspector.

I would liaise with you if ever there was a safeguarding matter, although I may be duty-bound to share information with First Response without your consent, in certain circumstances. Working Together to Safeguard Children 2018 tells me that the common law duty of confidence and GDPR must **not** be a barrier to information sharing when there are potential safeguarding concerns.

If we are having a conversation about a private matter I will endeavour to be respectful of you or your child's confidentiality and have the conversation out of the earshot of other children or parents. If this is not possible we may make an arrangement to have a conversation at another time, when children are not present.

In order to maintain a respectful, trustworthy environment I would be grateful if you would in turn respect the confidentiality of my family and the other families who use this childminding setting.

Data Protection - the purpose of this policy
The purpose of this policy is to evidence my accountability and compliance with the GDPR 2018 which replaces and extends individual rights to privacy under the Data Protection Act 1998. In addition to this policy, please see my Privacy Notice which sets out in a straightforward way, for your information, how I, 'the data controller', process the data you have given me about your child and family. By 'process' I mean what information I hold, and how I store and share the data/information. 'Data' is information which is stored electronically, on a computer, or on paper. The 'data' can be anything from a name, a home address, a photo, an email address, bank details, posts on social networking websites, or medical information.

Compliance with the GDPR
I will comply with the seven principles of the GDPR which say that the data processing must be lawful and transparent; only used for the purpose for which it was originally requested (unless with further consent); limited to what is necessary, accurate and kept up to date; retained or deleted appropriately; processed with integrity and responsibly to avoid loss or damage; and as the data controller I am accountable and must demonstrate GDPR compliance.

In keeping with the principle of parent-partnership which is embedded in the EYFS, I will liaise with you and keep you updated about your child's well-being and progress. Under the GDPR you have certain rights to your own information, which I have detailed for you in the Privacy Notice. I will provide you with the Privacy Notice at the beginning of a placement when I start to gather the information from you. The Privacy Notice explains the 'lawful basis' for holding information about your child, you/your child's rights as a 'data subject', how long I will keep the various types of records (educational, safeguarding and welfare, financial, records for Ofsted, government funding)

after your child leaves my setting. In accordance with the GDPR, I will not keep information about your child any longer than is necessary.

There is 'special category data' (particularly sensitive information) which includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, physical or mental health condition or sexual life, or any offence committed or alleged to have been committed. If I record any 'special category data' I will indicate the 'lawful basis' for processing and additionally one of seven 'special conditions' (lawful reasons), one of which is 'explicit consent'.

As a data controller I am registered (Data Protection Fee) with the Information Commissioner's Office. I renew my registration annually. I will maintain clearly written records, signed by parents and stored securely to comply with Information Commissioner Office guidance. When looking at or signing records/consents I will ensure that a child's records are not visible to another parent. Children's records are accessed only by me (and any childminding assistants with my permission). Paper documents will be shredded. Information on digital storage devices will be deleted when it is no longer required. Electronic devices which are used for work are PIN/password protected.

Data breach

I must report any data breach to the ICO if, for example, personal data was lost, destroyed, shared inappropriately, or if someone accessed information without permission. Parents have the right to complain to the ICO.

If a data breach occurred I would inform you and address it promptly. I would try to contain the data breach. I would take steps to establish the severity (the negative affect on your child or family) and tell the ICO, if required. If I decided not to report the breach I would justify this decision in my recording of the incident in my Log of Data Breaches, and consider how I might ensure that the data breach could not occur again. I must investigate a data breach within 72 hours and failure to notify a breach may result in a fine.

I can use the **ICO Helpline 0303 123 1113** for advice.

Children's rights

Children have the same rights as adults over their personal data. As a data controller I must obtain the consent of a parent or guardian when processing the personal data of a child under 16. When seeking consent, I must make reasonable efforts to verify that the person giving consent does, in fact, hold parental responsibility (as a point of information: in the U.K. only children aged at least 13 or over are able provide their own consent **online** for Information Society Services (ISS), such as consent to use gaming apps).

There is some information which I must hold by law in order to childmind a child, such as a child's date of birth and parents' contact details. I am also legally obliged to keep records of attendance, accidents and incidents, and any complaints. There is also a statutory requirement to keep some record of your child's learning progress. There is other information which I may ask for, which is based on consent and I should indicate that it is consent-based, so that you have the option to refuse or withdraw consent, for example you may not wish me to take photographs of your child.

Retention of records

When your child has moved on from my setting I will hand over educational records (learning journal), and photographs to you and delete any copies. Other records will be retained for a varying length of time depending on the reason for retaining those records. I have detailed the retention periods in the Privacy Notice for you.

If I resign my childminding registration, I will keep records securely for as long as I am legally required, depending on the reason for retention.

Date_____

Parent's signature_____