



# The Little Meadow Group

## Confidentiality and access to records.

### Policy Statement.

The Little Meadow Group recognises that confidential information covers all information which is not already either in the public domain or available easily from another public source and has been provided to the setting on the understanding The Little Meadow Group will not share it with others without obtaining consent from the source.

Staff and Committee understand that they share confidential relationships with families and are in a privileged position to share some personal experiences with the families and their children as they move through the setting. We aim to ensure our parents and children can access high quality care and education whilst with the Group and we respect their privacy. We will earn the trust and respect of parents and carers which will encourage them to share information with us which will enhance the welfare of their children. We have record keeping systems in place that meet legal requirements; means of storing and sharing information complies with the framework of the general data Protection Act (2018) and Human Rights Act. Further information can be found in the retention periods for documents policy.

### EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning And Development
1.3 Keeping Safe	2.1 Respecting Each Other 2.2 Parents as Partners	3.4 The Wider Context	



## **Confidentiality Procedures**

- We always check whether parents regard the information they share with us to be regarded as confidential or not by means of verbal question at exchange..
- Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.
- The Little Meadow Group recognises that our committee members are in a privileged position and maybe privy to information regarding the management of, running of and individuals in the setting and are therefore expected to maintain the highest level of confidentiality remaining respectful of the rights of all members  
Information shared between parents in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it. This is stressed at outset of the exchange.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- Necessary discussions by staff regarding issues arising, which may breach confidentiality will not take place during a session but at an appropriate time and place in order to respect an individual's privacy.
- Confidential information provided by the parent/carer direct to the Manager will only be passed to other members of staff if considered to be in the best interest of the child and with the parent/carers consent.
- Observations and assessments regarding developmental issues will be discussed with parent/carer at all stages should additional support be required, parental consent will be sort.
- Children's records will only be shared with other parties (i.e. relevant primary schools/pre school settings) with parent/carer consent.
- Whilst on in session, individuals are in a privileged position and are required to maintain confidentiality with regards to all aspects of the session. Should information regarding the session need to be reported it is the responsibility of a staff member.
- Should a parent/carer wish to discuss anything they may have witnessed which has caused them concern, this should be discussed only with the Manager/Chair (as appropriate) to maintain confidentiality and privacy of all individuals.
- We keep all records securely (see our record keeping procedures)
- Parents can be invited to attend the session. Since 2015 the setting introduced a explanatory disclaimer to highlight to parents its expectation of them regarding confidentiality which has to be signed prior to session starting.



## **Client access to records procedures**

### **Data Subject Access Requests: Policy and Procedures**

This Policy has been written to take into account the requirements of the General Data Protection Regulation 2018.

- Data Subject Access requests may be submitted in any form but staff may request that the individual confirms the request in writing (this can be by email or letter) to the Manager or Chair.
- The request will be forwarded to the settings' Data Protection Lead (DPL) for see Data Protection Policy/Privacy notice for details of who this is).
- The DPL will consider if the request can be refused. It can only be refused if it is 'manifestly unfounded or excessive'.\*
- We may request evidence of identity to ensure data is being disclosed to the correct individual.
- There is no fee for processing a Data Access Request unless the request is 'manifestly unfounded or excessive'. Even if this is the case the fee must only cover administration costs. It is permissible for us to charge a fee for additional copies of the same information.
- We will respond without undue delay and within 1 calendar month from the initial request. If requests are complex or numerous this can be extended to 3 months but this must be fully explained within the 1 month deadline.
- If the request is extremely broad we may seek clarification on the exact scope of the data required.
- A decision will be made on what systems and files should be searched for relevant personal data. We will keep a note of this as evidence of the steps taken in case a complaint is made by the individual to the ICO.
- We will consider if all the data should be disclosed. There are very limited exemptions where disclosing the data would 'adversely affect the rights and freedoms of others'. This is most likely to mean redacting the information to take out anything identifying a third party or if the data is related to a criminal offence.
- A copy of the data to be disclosed will be sent to the requestor. Where possible, and certainly if the request was made electronically the data will be provided electronically in a commonly used electronic format. If it is a paper copy it will be sent recorded delivery, if via email a delivery receipt will be requested as evidence that it was sent.
- A covering letter/email will also be sent containing the following information.
  - i. The categories of their personal data being processed by us (e.g. Fees)
  - ii. The purposes for which the processing happens (e.g. Fee payment)
  - iii. To whom the data may be disclosed (e.g. GCC, HMRC)
  - iv. Details of the source of the data (e.g. Registration form, Childcare Choices portal)
  - v. How long the data is retained by us
  - vi. The right to have inaccurate data corrected
  - vii. The right to make a complaint to the Data Protection Commissioner
  - viii. If automated decision making applies meaningful information about how these decisions

are made will be supplied (*most settings do not use automated decision making*).

- If we are refusing to comply with the request we will send the requestor a letter explaining our decision and outlining their right to complain to the Information Commissioner.
- A record will be kept of our efforts to comply with the request, the date that we provided the information and any correspondence in case of future investigations by the ICO.

\* For more information on 'manifestly unfounded or excessive' requests please see the ICO website.

# Data Access Request Checklist

Action	Notes	Completed
Data Access Request Received and passed to Data Protection Officer/Data Protection Lead.	If received verbally, the staff member receiving the request should ask that it is confirmed either via email or letter.	
Are there grounds for refusing the request?	If Yes, the request should be denied within the 1 month deadline stating that the requestor may make a complaint to the ICO. If No, continue with the checklist.	
Is further evidence of identify required?	Request if necessary.	
Is the request manifestly unfounded or excessive, or a request for duplicate information?	If yes a fee may be applicable but should not be more than the administrative cost.	
What date should the request be completed by?	This is 1 calendar month from the initial date of the request even if this was via telephone or in person. If this will not be possible because of the amount of data involved this can be extended to 3 months but the delay must be communicated within the original month. <i>(For term time only settings you should consider what will happen during holidays, especially if you use personal email addresses e.g. FirstName@SettingName.com. The time runs from the email being sent not when it is opened).</i>	
Is the request extremely broad?	Seek clarification to determine the scope of the personal data required.	
What systems/data sources should be searched?	Keep a note of decisions made in case of future complaints/investigations.	
Does the data contain any references to third parties or sensitive data which should not be disclosed?	Redact (blank out) anything identifying a third person. Do not disclose anything relating to a criminal investigation.	
Is the data and covering letter ready to be sent?	Data should be supplied electronically where possible, in a commonly used format. Ensure that it is sent recorded delivery or if via email with a delivery receipt requested. The covering letter should contain the information set out in the Policy attached.	
Has a record been kept of the process followed, the decisions made during the process and the date that the requested data was provided?	A log of Data Access Requests should be kept in case of future complaints or investigations.	

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.



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