



Welfare Requirement – Safeguarding and promoting children’s welfare
Every Child Matters – Make a Positive Contribution

Data Protection Policy

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). Our Data Protection Policy, Privacy Notice and Information Audit/Record of Processing Activity comply with the General Data Protection Regulation 2018.

All members of staff, volunteers must abide by this policy and are required to sign a confidentiality agreement.

Maintaining Confidentiality and Sharing Information

SAND will keep confidential any information about children who attend the sessions and their family members, which has been shared with any member of staff. We will not discuss your information (parent/carer or family) or your child’s information with anyone, unless it is with your prior, 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. We may be required by an Ofsted inspector to share records about your child.

We would liaise with you if ever there was a safeguarding matter, although we may be duty-bound to share information with First Response without your consent, in certain circumstances.

Our Privacy Notice details more information for you about other agencies with whom we may be required to share information, from time to time.

If we are having a conversation about a private matter we 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



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arrangement to have a conversation at another time, when children are not present.

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

Data Protection - The Purpose of this Policy

The purpose of this policy is to evidence our accountability and compliance with the GDPR which replaces and extends individual rights to privacy under the Data Protection Act. In addition to this policy, please see our Privacy Notice which sets out in a straightforward way, for your information, how we as ‘the data controller’, process the data you have given us about your child and family. By ‘process’ we mean what information is held, and how it is stored and shared. ‘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

We will comply with the six 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; and processed with integrity and responsibly to avoid loss or damage.

In keeping with the principle of parent-partnership which is embedded in the EYFS, we 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 is detailed for you in the Privacy Notice. All parents/carers will have access to the Privacy Notice when we 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 information is kept (educational, safeguarding and welfare, financial, records for Ofsted, government funding) after your child leaves the setting. In accordance with the GDPR, information about your child will not be kept 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 any ‘special category data’ is



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recorded we 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 we are registered with the Information Commissioner’s Office. Registration is renewed annually. Records will be clearly written/typed, signed by parents and stored securely to comply with Information Commissioner Office guidance. When looking at or signing records/consents we will ensure that a child’s records are not visible to another parent.

Children’s records are accessed only by Sarah Grimwood. Other members of staff can only access the information with express permission from Sarah Grimwood. All child records are kept in a locked cabinet, Sarah Grimwood is the only key holder.

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

We 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 you will be informed immediately we become aware of the breach and it will be addressed promptly. We will endeavor to contain the data breach as much as we can. We will take steps to establish the severity (the negative affect on your child or family) and tell the ICO, if required. If we decide not to report the breach we will justify this decision in our recording of the incident in our Log of Data Breaches, and consider how we can ensure that the data breach could not occur again. We will investigate a data breach within 72 hours and failure to notify a breach may result in a fine. We may use the ICO Helpline 0303 123 1113 for advice.

Children’s Rights

Children have the same rights as adults over their personal data and only children aged at least 13 or over are able provide their own consent in the UK. For children under this age consent must be obtained from whoever holds parental



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responsibility for them. We must make reasonable efforts to verify that the person giving consent does, in fact, hold parental responsibility for the child.

There is some information which we must hold by law in order to look after 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 your child’s learning progress. There is other information which we may ask for, which is based on consent and we will indicate that it is consent-based, so that you have the option to refuse or withdraw consent. For example, you may not wish photographs to be taken of your child.

Retention of Records

When your child has moved on from the setting we will hand over any educational records 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. Retention periods are detailed in our Privacy Notice.

If SAND Out of School Club does not continue to run and is no longer registered with Ofsted records will be kept securely for as long as legally required, depending on the reason for retention.