



2-4 Brook Street  
Luton, Bedfordshire  
Tel: 01582 730510  
www.trainingdepot.co.uk



## **Data Protection – Information Sharing / Confidentiality Policy**

The Training Depot Day Nursery (TDDN) is legally obliged to protect data that is provided to, and generated by, TDDN, in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (GDPR) 2018. The data includes information regarding children, parents, TDDN staff and students working in the setting. The data is held in order to; support their development, monitor progress and provide care. Details of the specific data covered is shown in Appendix 1 of this policy. The TDDN Privacy Notice is shown in Appendix 2.

TDDN's data protection officer is Miss Salma Bibi. She is responsible for compliance, but is also available to support parents and staff with queries regarding data protection. The duties of the data protection officer are detailed in Appendix 3 of this policy.

Data held by TDDN is: only kept for a good reason; is held securely; is held for a minimum amount of time and then destroyed. Details of why data is kept is shown in Appendix 1. A copy of relevant personal data can be requested. This statement acts as our privacy notice, to satisfy GDPR requirements.

Consent to hold data is provided by parents / carers signing the TDDN registration form, where the terms and conditions are clearly detailed. For TDDN staff and students, consent is obtained by signing their contract of work.

Security is maintained within TDDN. This includes: a secure building, a locked office and filing cabinet, password protected computers and software systems. A secure email system is used when communicating confidential information with Luton Borough Council or other outside agencies. TDDN staff and students are DBS checked. Should there be a concern that there has been a breach of personal data, the data protection officer must be informed at once. In her absence, – Miss Helena Sweet the nursery owner, is to be informed. They will carry out an investigation and report back on findings in writing, making recommendations as appropriate. A review of data and the security measures taken will be carried out by the data protection officer routinely.

Should anyone have a concern, or complaint, that they believe is not being addressed appropriately by the data protection officer, this must be raised with Mr David Reavell initially. This can also be escalated to the Information Commissioner's Office (ICO). See Appendix 3 for contact details.

### **More detailed information on the legislation in regard to data protection**

The Data Protection Act 1998 and the General Data protection Regulation (GDPR) 2018 sets out standards in regard to any data and information the Nursery holds on children, staff, parents, carers, students and volunteers. This governs what information can be shared and with whom the information can be shared. There is new legislation which will be a Regulation and directly applicable in UK law involving the requirement for consent to be explicit.

TDDN is legally obliged to comply with the Data Protection Act 1998 and the Freedom of Information Act 2000. TDDN is registered under the Data Protection Act, GDPR 2018.



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The GDPR says that the information TDDN provide to people about how the nursery process their personal data must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

At times the Nursery is required to pass on relevant information about a child to the Local Authority. For example, details of Special Education Needs, progress trackers being passed onto Infant/Primary School, also safeguarding information. The Local Authority is obliged to follow procedures and rules set out in the Data Protection Act 1998. All agencies listed are obliged to follow procedures in the Data Protection Act 1998.

Her Majesty's Chief Inspector of Education Children's Services and Skills and Ofsted do not process any information about individual children. Ofsted uses information about the achievement of groups of children to help inform its judgements about the quality of Education in the setting.

The Secretary of State for Children, Schools and Families and the Department for Education (DFE) use information about children for research and statistical purposes, to allocate funds, to inform and improve education policy and to monitor performance of Education and Children's Services.

#### More information on local arrangements

TDDN ensures that the rights of people about whom information is held can be exercised. This includes the right to access their own personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong.

TDDN ensures:

- All confidential information is stored in lockable cabinets.
- Only senior staff have access to all personal information.
- All information is regularly backed up.
- Record keeping on each child is kept as confidential and shared only with parents and/or with other relevant professionals.
- That confidentiality is enforced at all times in the setting.
- That the Nursery is locked and security systems activated when the premises are empty.
- Only senior staff have keys for access into the Nursery.
- Secured emails are used to communicate with the LA.

**Staff are not permitted** to hold conversations, discussions, interactions or opinions with another member of staff, a friend, a member of family, parent, student or volunteer outside of the Nursery where it can be heard by someone else, in relation to any details regarding Nursery, any member of staff, parents, children, students or volunteers, or any issues, occurrences, events or concerns that have happened or are due to happen at Nursery.

#### Information regarding communication with Luton Borough Council



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TDDN adheres to the guidelines produced by the Luton Safeguarding Children Board for Information Sharing Protocol.

This Protocol is an agreement between the agencies listed below to govern the sharing of personal information about service users and facilitate the development of information sharing agreements. On occasions the legitimate sharing of personal information about staff may be necessary which will be covered by the same principles and culture of confidentiality covered by this protocol.

The following organisations are parties to the protocol;

- Bedford Hospital NHS Trust
- Bedford NHS Primary Care Trust
- Bedfordshire and Luton NHS Community Trust
- Bedford Borough Council
- Bedfordshire Heartlands NHS Primary Care Trust
- Bedfordshire Strategic Health Authority
- Bedfordshire & Hertfordshire Ambulance and Paramedic NHS Trust
- Luton & Dunstable Hospital NHS Trust
- Luton Borough Council
- Luton NHS Primary Care Trust
- Bedfordshire Police
- National Probation Service-Bedfordshire
- Bedford NHS Primary Care Trust is aiming to explore the avenue of improving links with those responsible for the health of inmates at Bedford Prison for information sharing purposes.

This Protocol focuses primarily on the sharing of personal and sensitive data about people using health, social care and associated services commissioned by the partner agencies listed above. Definitions of the terms “personal data” and “sensitive data” are found in the Data Protection Act (1998). The Protocol also refers to “private” information in relation to the Human Rights Act 1998 and “confidential” information.

A framework is provided for information sharing in Bedfordshire and Luton. It will be activated through Information Sharing Agreements (ISAs) for specific areas of service between partner agencies. Each ISA will set out detailed arrangements relevant to that particular application and will need to be fully compliant and consistent with this protocol.

#### Information sharing in regard to safeguarding

TDDN will adhere to Section 47 of the Children’s Act and follow the Seven golden rules of information sharing as outlined in the HM Government document – Information Sharing – Advice for Practitioners providing Safeguarding

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419628/Information\\_sharing\\_advice\\_safeguarding\\_practitioners.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf)



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The Seven Rules are as follows:

1. **Remember that the Data Protection Act is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately.
2. **Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. **Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
4. **Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgment, that lack of consent can be overridden in the public interest. You will need to base your judgment on the facts of the case.
5. **Consider safety and well-being:** base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, accurate, timely and secure:** ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. **Keep a Record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

**TDDN will breach confidentiality and data protection, if there is a concern that a child is at risk, we do not need to gain parent permission to do this.**

Any paperwork regarding parents, staff and children will be shredded following the required date as suggested by the appropriate authority.

**Reviewed July 23 by Miss Sandhya**

## Appendix 1

### Specific data held by TDDN, relating to children and staff

The data held by TDDN	The reason for storage	How long it will be stored after a child has left
Nursery application form, registers and visitor log	Primary data for emergency contact details and to establish parental responsibility	3 years
Database of names, date of birth, contact details, medical and dietary conditions	A speedy way to access data and run reports. Ensures we comply with Health and Safety and EYFS requirements	3 years
Sage: financial information including payments and 30 hour grant information	Financial management of the nursery	3 years
Grant payment information: 2-year 15 hours and EYPP	Financial management of the nursery	6 years
Outlook email system	A way of communicating data to senior nursery managers and external agencies that require it. Communicating information to the parents, eg the monthly newsletter	No longer than 3 years
Headcount portal, maintained by Luton Borough Council (LBC)	A statutory requirement to give names, birth dates and grant information to LBC	Deleted the term after a child has left
Two-year profile data and LATs	A statutory requirement to share child development information	3 years
Children's developmental information, including Cubs daily diaries	A legal requirement to document progression and highlight areas for development or particular support	3 years
Safeguarding reports, including social service meeting minutes. SEN records	To record observations, incidents and concerns, giving actions to minimise the chance of re-occurrence and a record of signatures of those involved	Until the child reaches 25 for child protection records (75 for looked after children)
Accident, incident, behaviour, grievance and medication records. Risk assessments. Facebook consent forms	Ditto	6 years, unless a referral has been made
Complaints	Ditto	3 years from last comment/form/action
Staff and student details	A legal requirement for the recruitment process, also to record	6 years after the employment ceases



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	training, personal development and disciplinaries	
Food standard documentation	Fridge and freezer temperature records, cleaning records	To be permanently retained



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## Appendix 2

### Training Depot Day Nursery Privacy Notice

#### Privacy notice

The personal information held by Training Depot Day Nursery is provided by you as parents, from the completed application form. It comprises:

- Contact details, including address, phone numbers and postal address
- Dates of birth and National Insurance numbers
- Languages spoken, health conditions and ethnicity

Your information is used to communicate with you and to support us as we claim the 15 and 30 hour grants from Luton Borough Council. You will have approved use of this data when you signed the application form.

Additionally we hold additional data about your child:

- The developmental progress as observed in the nursery, shared at parent's evenings and consultations
- Behaviour or accident information, shared on the day for your signature

Staff records are held following interview, appraisal etc.

Your information is held securely and never shared without your permission. Information is retained for the minimum amount of time legal required, after which paper records are shredded and electronic data permanently deleted.

You have the right at any time to:

- Request a copy of the application form, held by Training Depot Nursery
- Request a copy of the developmental progress report, for the previous term
- Request a copy of the signed and dated behaviour and accident form
- Request a copy of your own records, as a member of staff

If you have any questions or complaints, or wish to exercise any of your rights, in the first instance email us at [manager@trainingdepot.co.uk](mailto:manager@trainingdepot.co.uk) quoting "GDPR" in the subject line. If you do not have access to email please telephone 01582 730510 or write to us at: Training Depot Day Nursery, 2 to 4 Brook Street, Luton, Bedfordshire, LU3 1DS. If you are unhappy with our response you have a right to take the issue to the Information Commissioner's Office, Wycliffe House, Wilmslow SK9 5AF.



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## Appendix 3

### Duties of the data protection officer

Our data protection officer (DPO) is Miss Salma Bibi, who will inform Mr David Reavell of any issues relating to data protection.

Listed below are the tasks are defined in GDPR Article 39 for the DPO:

- To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
- To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
- To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).
- obligated to notify the [Information Commissioner's Office](#) (ICO) of a data breach within 72 hours of becoming aware of the breach.





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## Appendix 4

### Escalating a data protection concern to the ICO

The Information Commissioner's Office (ICO) can be contacted using the following link:  
[ico.org.uk/](http://ico.org.uk/)

Or by telephone number on: **0303 123 1113**

The normal opening hours are Monday to Friday between 9am and 5pm.

## Appendix 5

Recommended information on how some data is obtained, if not from the parent:

	Data obtained directly from data subject	Data not obtained directly from data subject
<b>What information must be supplied?</b>	Not required when the data subject has the information.	Not required when the data subject has the information  Not required when derogations in article 14(5)(b) to (d) apply. For example it would pose a disproportionate effort for archiving in the public interest.
Identity and contact details of the controller and where applicable, the controller's representative) and the data protection officer		
Purpose of the processing and the legal basis for the processing		
The legitimate interests of the controller or third party, where applicable		
Categories of personal data		
Any recipient or categories of recipients of the personal data		
Details of transfers to third country and safeguards		

Retention period or criteria used to determine the retention period		
The existence of each of data subject's rights		
The right to withdraw consent at any time, where relevant		
The right to lodge a complaint with a supervisory authority		
The source the personal data originates from and whether it came from publicly accessible sources		
Whether the provision of personal data part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data		
The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.		
<b>When should information be provided?</b>	At the time the data are obtained.	<p>Within a reasonable period of having obtained the data (within one month)</p> <p>If the data are used to communicate with the individual, at the latest, when the first communication takes place; or</p> <p>If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.</p>