



# **ROMPERS PRIVATE NURSERY**

## **INFORMATION SHARING, CONSENT AND GDPR**

### **POLICY**



#### **Policy Statement:**

At Rompers we aim to ensure that we are following local and government guidance with relation to sharing information. All advice given in the Data Protection Act 2018, General Data Protection Regulation (GDPR) will be strictly followed.

At Rompers we recognise that parents have a right to know that the information they share within the nursery will be regarded as confidential. Parents will be informed about the circumstances and reasons when the nursery is obliged to share information.

**UNCRC Articles:** 7, 8, 12, 16, 17, 26

#### **Aims of this Policy:**

To ensure that confidential information is shared appropriately, and authorisation is given at all times. This information will be shared when:

- It is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult
- Not sharing it could be worse than the outcome of having shared it

Critical Criteria for disclosing information is:

- Where there is evidence/reasonable cause that a child is suffering or is at risk of suffering from significant harm
- To prevent significant harm arising to children or serious harm to adults including the prevention, detection and prosecution of serious crime

To ensure all information at Rompers is shared appropriately to safeguard all service users.

#### **Procedures:**

The following procedure is based on the 7 golden rules for information sharing as set out in the Information Sharing: Guidance for Practitioners and Managers (DCSF 2008). The procedure also considers points in the General Data Protection Regulation (GDPR) Act 2018.

1 – 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

- Our policy and procedures on information sharing provides guidance to appropriate sharing of information with external agencies
- Rompers will ensure they have a valid lawful basis in order to process personal data as shown below:
  - Consent
  - Contract
  - Legal Obligation
  - Vital Interest
  - Public Task
  - Legitimate Interest

2 – Be open and honest. Rompers will explain to families how, when and why information will be shared about them and with whom. The nursery will seek consent to share information, unless it puts the child at risk or undermine a criminal investigation

- Inform parents about our information sharing policy when their child starts at Rompers, parents will sign an acceptance of this policy in the child's registration form
- This policy can be viewed by service users through the nursery website
- Inform service users about the circumstances when information will be shared with external agencies for example transitions to school/speech and language
- Rompers will fully respect the rights of the service users, deleting personal data and providing data electronically in a safe and secure manner and consider the following:
  - The right to be informed
  - The right of access
  - The right to rectification
  - The right to erasure (removal of data)
  - The right to restrict processing
  - The right to data portability
  - The right to object
  - The right not be subject to automated decision-making including profiling

3 – Seek advice, when there are doubts and possible significant harm to a child or others

- Management will contact relevant outer agencies for advice regarding child protection/welfare if felt necessary

4 – Share with consent where appropriate. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wishes

- Guidelines for consent are part of this procedure
- Upon registration parents will be aware of consents and what information Rompers will hold through the registration process
- Upon staff recruitment, staff will be aware of consents and what information Rompers will hold through the document signing process
- Rompers will always ensure that service users are aware when data is being collected from them, the following points will be considered by the setting
  - Who the data controller is?
  - What personal data we collect and why?
  - What you will do with the personal data you collected?
  - The lawful basis for processing the personal data (see previous)
  - Who you routinely share the personal data with
  - How long you will keep the data
  - The rights of the individuals (see previous)
  - The right to complain (see complaints procedure)

5 – Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding ‘significant harm’ the child’s well-being and safety is paramount and always our first concern

- Rompers will record concerns and discuss these with the child protection officers, decisions will be made and the reason why the information will be shared and to whom considered

6 – Information shared will always be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely. Policies, procedures, documents and concepts used within the daily running of Rompers will be consistent and support this policy

- Rompers will take full accountability for ensuring all information held is accurate and will make amendments where needed
- All staff at Rompers will be aware of the GDPR policy and the procedures taken by Rompers to comply with this through staff meetings and staff inductions
- Rompers does not permit any policies, procedures, documents or concepts used in the daily running of Rompers to be removed or stopped by any staff member unless authorised by owner/management
- Staff within their confidentiality agreement in their contract of employment are strictly prohibited to share any policies, procedures, documents or concepts out with the setting and are strictly prohibited not to take these things to a new work place. This applies to staff currently employed by Rompers and staff who have been employed by Rompers, if found Rompers will take necessary disciplinary action.

7 – Reasons for decisions to share information, or not, are recorded in a child’s personal information file

- Rompers will process all information concerning the child following 30 days of de-registration with the setting
- Within these 30 days, any information regarding the service user will be returned to them or disposed of appropriately
- Rompers will hold onto any necessary paper work including child’s information and learning journal if any accounts, concerns or issues with regards to the service user, are not fully settled, this information will be held by Rompers securely until all necessary steps have been taken to recover outstanding fees or address concerns
- All learning journals will be archived in a secure online portal and kept for evidence of learning and inspection. Parents will receive an electronic copy of the learning journal in a PDF format. Following these 30 days access to the ParentLink app will be denied to parents.

## **Consent**

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their result to give consent may be overridden. During the registration procedures at Rompers parents will be informed about image sharing and the use of online learning journals.

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden
- Parents will be asked to give written consent on their leaving form to share information about any information regarding the child such as child development/additional needs to the child's next service/school
- The GDPR sets the age when a child can give their own consent to this processing at 16, as the child at Rompers is younger the parent responsible will give relevant consent

The following questions will be considered when we need to share:

- Is there legitimate purposes to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, does Rompers have consent to share?
- Is there a statutory duty or court order to share information?
- If the decision is to share, is the right information being shared in the right way?
- Has the decision been properly recorded?

### **Data Breaches**

Rompers will report any certain types of personal data breaches to the relevant authority and this will be done with 72 hours. The following list are examples of this:

- Access by an unauthorised third party
- Deliberate or accidental action by a controller or processor
- Sending personal information to an incorrect recipient
- Computing device containing personal information lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal information

### **Review:**

Date	Management	Track of Changes
August 2021	P. Guthrie	none
February 2023	Room Champions	UNCRC articles added