 

**Confidentiality Policy**

# Policy statement

In our school, staff and trustees can be said to have a ‘confidential relationship’ with families. It is our intention to respect the privacy of staff, trustees, children and their parents and carers, while ensuring that they access high quality care and education in our school. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.

There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the General Data Protection Regulation (GDPR), which came in to force on 25th May 2018.

**Principles:**

GDPR have condensed the Data Protection Principles in to six areas, which are referred to as the Privacy Principles. They are:

1. You must have lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason it is initially obtained.
3. You must not collect any more data than is necessary.
4. It has to be accurate and there must be mechanisms in place to keep it up to date.
5. You cannot keep it for any longer than needed.
6. You must protect the personal data.

Zelda School has a legal obligation to collect certain data about each child and their families as well as all staff and trustees, in order to comply with the Early Years Statutory Framework.

**The Data Protection Compliance Lead is Jenny Tresidder**

**Confidentiality procedures**

* All teaching staff, secretaries and Trustees of Zelda School will be trained on data protection.
* When families apply to the school they will be asked to provide certain data, which is considered confidential. This information will not be shared with anybody outside of the school staff.
* When staff apply for a job at Zelda School they will be asked to provide certain data, which is considered confidential. This information will not be shared with anybody outside of the school’s board of trustees and any staff involved in the interview process.
* All applicants will be informed about who the information may be shared with, where the information will be stored and how long the information will be kept for.
* All applicants will be allowed access to the data at any time after it has been collected and may remove it at any time if the school has no legal right to hold it.
* All applicants, staff, trustees and families at the school have the right to withdraw their consent for the school to hold their data at any time and they have the right to lodge a complaint with the Information Commissioner’s Office (see contacts below).
* All applicants, staff, trustees and families at Zelda School have the right to change information if it is not correct. Zelda School will check records are up to date at the start of each academic year.
* We keep all records securely in the locked filing cabinet in the child’s or staff’s individual folder.
* We inform people when we need to record confidential information beyond the general personal information we keep. For example we have a duty to record information 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 the child.
* We will ask for written consent to share information with other agencies unless it is the best interest of the child not to do this e.g. in a safeguarding situation.
* The school may legitimately share information with other agencies, where necessary, including health authorities, the local government, other schools and educational facilities, social services and integrated services.
* All information and data must be destroyed when it is no longer needed. Children’s records will be stored for 7 years before being destroyed.
* The school must ensure that data and information is handled securely and kept securely by whomever they have shared it with. For example sharing information via email, text, fax, etc may not be secure.
* During the last week of the Summer Term there will be an information and data audit when records and photos no longer needed will be destroyed.
* During the first half term of the Autumn Term parents and staff will be asked to check the information we hold is up to date.
* We will always check whether parents and staff regard the information they share with us to be regarded as confidential or not.
* Parents and staff 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.
* 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, for example Whole School Meetings.
* Information and photographs about pupils will only be published on websites and social media with the parents’ permission.
* The school has no data protection responsibilities when photos and video footage have been taken at a public event.

## Access to records procedures – Subject Access Requests

Parents may request access to any confidential records held on their child and family following the procedure below:

* Any request to see the child’s personal file by a parent or person with parental responsibility must be made in writing to the headteacher.
* Record of the request will be kept in the child’s personal file.
* The school commits to providing access within 14 days, although this may be extended to up to 40 days if necessary.
* Advice may be sought from the Information Commissions Office (ICO) if necessary.
* The headteacher will prepare the file for viewing.
* All third parties are written to or contacted via phone or email, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. Copies of these permission letters are retained on file. ‘Third parties’ include all family members who may be referred to in the records. It also includes workers from any other agency, including social services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
* When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
* A photocopy of the complete file is taken.
* The headteacher and chairperson of the trustees go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
* What remains is the information recorded by the setting, detailing the work initiated and followed by them in relation to confidential matters. This is called the ‘clean copy’.
* The ‘clean copy’ is photocopied for the parents who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through, with the parents, by the headteacher, so that it can be explained.
* Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the school or another (third party) agency.

**Breach Notification**

GDPR introduces an obligation to notify the ICO of a data breach within 72 hours of becoming aware of the breach. If it is a high risk to the individual e.g. if the type of data compromised could lead to identity theft, or could put a child in danger, then the school will notify the individual, the parents of the individual and in some circumstances the Local Children’s Safeguarding Board.

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

[**www.ico.org.uk**](http://www.ico.org.uk)

**Policy Agreed by Directors on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signed:**

**Review on:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**