

First Steps (Bath)

Confidentiality and Data Protection Policy

Policy statement

United Kingdom General Data Protection Regulation (GDPR)

First Steps (Bath) is committed to working in partnership with families and professionals to comply with requirements. Ensuring appropriate technical and organisational measures are in place to provide high standards of confidentiality and ensure the security of written and computerised information and the individual's right to see such records to guard against unauthorised or unlawful processing of the personal data and accidental losses or destruction or damage of personal data. First Steps (Bath) ensures that information is shared appropriately and with consent or legal requirements to secure improved outcomes for children and families. This applies to records relating to all personal data, including staff, volunteers, beneficiaries, suppliers, and supporters. First Steps will:

- Respect the rights of everyone.
- Be open and transparent about the Personal Data it holds.
- Strive to observe the law in all collection and processing of the subject's data.
- Meet any subject access request in compliance with the law.
- Provide training and support to First Steps representatives who handle Personal Data in the course of their duties.
- Maintain an up-to-date ICO registration (which requires changes to the registration within 28 days of any adjustments)
- Inform the ICO of breaches of the Acts (where required)
- Include Data Protection guidance for all trustees and employees.

Our responsibilities

- The Chief Executive and Senior Management Team are responsible for overseeing all aspects of the policy.
- The Finance and Administration Manager will act as the nominated Data Co-ordinator and will support and advise staff as appropriate.
- All staff are responsible for upholding this policy and for promoting a general awareness of confidentiality and data protection.
- All staff must comply with our Safeguarding & Child Protection Policy which reminds them that the child's welfare is paramount and takes precedence over issues of confidentiality.

Data Protection

First Steps (Bath)'s work with children, families and other professionals frequently brings us into contact with confidential information. The Charity is registered under the Information Commissioners Office (ICO) which is responsible for regulating and enforcing the Acts. This sets out eight enforceable principles of good practice which are that data must be:

- fairly and lawfully processed.
- processed for limited purposes.
- adequate, relevant, and not excessive

- accurate
- not kept longer than necessary
- processed by the data subject's rights.
- secure
- not transferred to countries without adequate protection

Under this Act we are therefore required to state the following to all service users: -

“The information provided by you is required to enable staff at First Steps (Bath) to offer appropriate support services and to maintain accurate records of all individuals with whom we are involved. The information is kept in part on a computerised database. Information, which may identify an individual, may be disclosed with the individual's consent (unless obtaining consent may conflict with ensuring a child's welfare), to other professionals involved with their support. First Steps (Bath) is required to pass on some of this data to the local authority and to agencies that are prescribed by law, such as Ofsted. First Steps (Bath) keeps child and adult records according to the retention periods listed in Appendix 1, after the individual has ceased accessing services. Records are then destroyed. CCTV cameras are operational outside First Steps buildings for safety.

Further information is available in the First Steps Bath 'Consent to share information' or in the 'Privacy Notice' – both are available from reception staff.

Collection of Information

First steps Bath may collect information about individuals whenever they interact with the charity, for example when individuals:

- Apply to volunteer or work at First Steps Bath
- Enquire about our activities, visit our website, or donate to the charity.
- Sign up to receive our newsletter.
- Attend a First Steps Bath event and provide us with personal information
- Fundraise on our behalf.
- Post content to our social media sites
- Contact us by email, online contact form, phone, SMS, social media or post.

First Steps Bath may collect information in the following ways:

- When individuals provide information directly by completing an enquiry form, admission form or request for services form.
- When individuals provide information directly as providers of additional services (e.g., Rugby Tots)
- When individuals provide information directly as a volunteer or member of staff
- When individuals provide information directly, for example by providing details when they request information, donate, or attend one of our events.
- When individuals provide information indirectly, for example when using other fundraising sites (e.g. Local Giving) and provide their consent to be contacted by First Steps Bath
- When individuals connect with First Steps Bath on social media and messaging services, for example, Facebook . Depending on individuals' settings or privacy policies, individuals may provide permission to access information from the accounts and services.

- When information about individuals is available from other public sources, First Steps may collect personal details from the public domain, such as from company websites and news sites, to provide background information about individuals for First Steps Bath representatives in preparation for a meeting/event. This information will only be used for this purpose and not stored after the meeting/event unless consent has been provided by the individual.

Each information collection system will make individuals aware of this policy and include a statement to ensure they are aware of their right to ask not to be contacted for marketing and fundraising purposes.

Personal Information – Justification of Collection

| Stakeholder Group | Requirement for data/information (Legitimate Interests) | Consent Required |
|--|--|---|
| Beneficiaries - children 0-8 years: <ul style="list-style-type: none"> • In nursery • Additional services | <ul style="list-style-type: none"> • Meet children's needs and requirements, e.g., health needs. • Impact measurement • Anonymised data may be used to inform First Steps of planning and provision services | <ul style="list-style-type: none"> • Engagement in additional services • Use of images/recordings (parent/Carer consent) • Parent/Carers signature on admissions |
| Parent/Carers of beneficiaries | <ul style="list-style-type: none"> • Ensure emergency contact and receive updates on child progress • Impact Measurement | <ul style="list-style-type: none"> • Engagement in additional services • Parental/Carer consent for use of images/recordings of their children • Parent/Carer signature on admission • Marketing • Fundraising |
| Applicants (new and re-applicants): <ul style="list-style-type: none"> • Parent/Carers applying for services. • Job applicants | <ul style="list-style-type: none"> • Anonymised data may be used to inform First Steps planning and provision of preventative services. • The population of children and young people across the UK to help us understand the needs of children & families in the area | <ul style="list-style-type: none"> • Marketing • Fundraising • Recruitment |
| Unsuccessful applicants: <ul style="list-style-type: none"> • Parent/Carers applying for services. • Job applicants | <ul style="list-style-type: none"> • Ensure provided services are inclusive. • Ensure recruitment processes are inclusive. | <ul style="list-style-type: none"> • Marketing • Fundraising • Recruitment |
| Previous beneficiaries - children | <ul style="list-style-type: none"> • Impact measurement • Reports on the impact of previous children's progress including video recordings, are | <ul style="list-style-type: none"> • Engagement in case studies • Use of images/recordings |

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| | <p>required in the assessment of re-applications for support.</p> <ul style="list-style-type: none"> • anonymised data may be used to inform First Steps of planning and provision of service to help us understand the needs in the area and reflect the local demographic | |
| Previous beneficiaries – now over 13 years of age | <ul style="list-style-type: none"> • Impact measurement • Anonymised data may be used to of planning and provision of service to help us understand the needs in the area and reflect the local demographic | <ul style="list-style-type: none"> • Engagement in case studies • Use of images/recordings • Marketing • Fundraising |
| Parents/Carers of previous beneficiaries | <ul style="list-style-type: none"> • Impact measurement | <ul style="list-style-type: none"> • Parental/carer consent for use of their children's images • Marketing • Fundraising |
| Teaching/Care professional therapists linked to beneficiaries | <ul style="list-style-type: none"> • Management of First Steps project | <ul style="list-style-type: none"> • Use of images • Marketing • Fundraising |
| First Steps staff & Volunteers | <ul style="list-style-type: none"> • Management of all HR processes including DBS checks salary information and training | <ul style="list-style-type: none"> • Use of images • Marketing • Fundraising |
| First Steps Trust Patrons & Trustees | <ul style="list-style-type: none"> • Management and governance of the charity | <ul style="list-style-type: none"> • Use of images • Marketing • Fundraising |
| Contractors | <ul style="list-style-type: none"> • Contract management | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Individual support | <ul style="list-style-type: none"> • Receipt and acknowledgement of donation • Management of Gift Aid | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Lapsed support (last donated 3+ years ago) | <ul style="list-style-type: none"> • Management of Gift Aid (declarations should be kept for 6 years after the accounting year end that includes the last donation to which they relate) | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Individual donor through third party fundraising website | <ul style="list-style-type: none"> • Receipt and acknowledgement of donation | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Corporate and philanthropic supporters | <ul style="list-style-type: none"> • Acknowledgement of support • Relationship management | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Organisational supporters | <ul style="list-style-type: none"> • Acknowledgement of support • Relationship management | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Individuals who attend First Steps events | <ul style="list-style-type: none"> • Management of events (e.g. contact details, dietary and access requirements, profile for guest briefing). The | <ul style="list-style-type: none"> • Marketing • Fundraising |

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| | information will be destroyed once it is no longer required for the event management unless consent has been provided to keep it. | |
| Individuals who sign up for the newsletter on the website | <ul style="list-style-type: none"> • Newsletter subscription | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Individuals who sign up for the newsletter at an event | <ul style="list-style-type: none"> • Newsletter subscription | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Individuals who follow First Steps on social media | <ul style="list-style-type: none"> • Social media contact | <ul style="list-style-type: none"> • Marketing via other channels • Fundraising via other channels |
| Individuals/organisation who sent an enquiry | <ul style="list-style-type: none"> • Response to the enquiry | <ul style="list-style-type: none"> • Marketing • Fundraising |
| Suppliers | <ul style="list-style-type: none"> • Management of the charity | <ul style="list-style-type: none"> • Marketing • Fundraising |

In the instances outlined in the above justification of collection, First Steps will only process personal information without consent when we are legally allowed to do so. This will only be where it is in the charity's legitimate interests to do so and where we are confident that such processing is not likely to prejudice individuals' legitimate interests or rights and freedoms.

In all other instances, First Steps will process personal information based on consent that has been given by individuals, who are entitled to withdraw that consent at any time such that we can no longer rely on it as a basis for continuing to process their personal information.

Consent Statements for each 'data collection point'

First Steps Nursery admission and enquiry.
Service request.
Newsletter sign-up form on the website or at events.
Contact us form on the First Steps Bath website.
First Steps Leaflet 'consent to share information'.
Gift Aid form/envelope.
First steps of event registration.

Use of Information

First Steps Bath will use personal information in a range of ways, which include:

- To provide individuals with the support or information they have requested.
- To update individuals about any changes to our services
- To administer donations, including Gift Aid processing
- To support individuals' fundraising activities
- To maintain organisational records and ensure we have up-to-date marketing and communication preferences for individuals

- To send newsletters or other information about First Steps work
- To invite individuals to participate in fundraising activities and attend events.
- To invite individuals to make donations to support First Steps work.
- To invite individuals to participate in surveys or research.
- To analyse and improve the operation of our website.

Images

First Steps uses images, video, and audio recordings on its website and within publications, refer to 'Communication & Media Policy'. We do not permit photographs, other images, video, or audio recordings of children to be taken without the consent of the parent/carer and the young person if aged 13 years or older and can consent. This consent is valid whilst the child is a beneficiary of First Steps Bath and for up to **5 years afterwards**.

All images, video and audio recordings will be stored securely and identified only through a child's first name and first letter of surname (so they cannot be traced) with date. If images, video, and audio recordings are selected to be used in high-profile contexts (such as YouTube videos and television programmes), we always ask further permission of parents/carer and children. We take all steps to ensure these images are used solely for the purposes they are intended.

Procedure for Ensuring Confidentiality

- All staff, students and volunteers will be given an induction, which will include reference to this and other policies and procedures which they will be required to adhere to. Students and volunteers will also be required to sign a declaration of confidentiality before starting their placement, Appendix 3.
- Ensuring only authorised personnel (i.e., selected First Steps Bath staff, volunteers, or contractors) have access to your information, and that they are appropriately trained to manage personal information.
- Ensuring that donations and payments are processed securely.
- Staff members do not discuss individual children, other than for curriculum planning, personal progress, group management or supervision, with people other than the parents/carers of that child.
- Information given by parents/carers to any senior staff member or key person is not passed on to other adults without permission.
- Images of children and families using our services will only be used outside the setting/shared on social media (e.g., on our website, in press releases etc.) if parent/carer consent has been obtained.
- Ensuring that there are appropriate technical controls in place to protect personal details on our websites and Office 365 network.
- Any information regarding a family's circumstances is only divulged to other staff members or partner professionals on a strictly "need to know" basis.
- Any concerns/evidence relating to a child's safety is kept in a confidential file and is only accessible to relevant members of staff.
- Parents/carers have access to the assessment files and records of their children but do not have access to information about any other child.
- Personal information collected in relation to the employment of staff remains confidential to those directly involved in the recruitment process, and subsequently

to the Senior Management Team. Application forms for unsuccessful applicants will be destroyed after 6 months.

- First Steps Nursery management database has restricted permissions to different sections on a 'need to know' basis. We undertake regular reviews of who has access to information that we hold to ensure that personal information is only accessible by appropriately trained representatives.
- First Steps Bath application forms, photographs, financial, including Gift Aid, and other information is being stored by financial year so that data can be identified and archived when it is no longer current. First Steps Bath database and information folders are backed up regularly and stored securely. Our Office 365 network is protected and routinely monitored.
- If a breach in data security occurs, e.g., through loss of data or equipment on which data is stored the following steps will be followed.
 1. Containment and recovery
 2. Assessment of ongoing risk
 3. Notification of the breach
 4. Evaluation and response.

Information Sharing

First Steps (Bath) works by the guidance published by HM Government July 2018; Information Sharing, 'Advice for practitioners providing safeguarding services to children, young people, parents and carers. This is outlined within our Privacy Statement please refer to Appendix 2.

Individuals' Rights

The GDPR provides the following rights for individuals over their personal information and how we use it:

1. The right to be informed.
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing.
6. The right to data portability
7. The right to object
8. Rights about automated decision-making and profiling

If an individual would like to exercise any of these rights, they should contact the nominated Data controller (Finance Manager) in writing at First Steps Bath, Woodhouse Road, Twerton, Bath, BA2 1SY or by emailing finance@firststepsbath.org.uk. A data subject (individual) or approved agent may request to have a copy of all information held on them by an organisation. On receipt of a subject access request, it will be passed immediately to the nominated data Controller. The Data Controller will then check the validity of the subject access request for authenticity and once authenticated, will gather a response which will be sent to the subject.

Links to other policies

- Equal Opportunities and Anti-Discrimination Policy and Procedure
- Safeguarding & Child Protection Policy and Procedure
- Staff Code of Conduct

- Staff Employment Policy and Procedure
- Compliments and Complaints Policy and Procedure
- Inclusion Policy and Procedure
- Communication and Media Policy

Approved by the Board of Trustees on 19th May 2009

Reviewed and updated by the SMT; January 2016

Reviewed and updated by SMT: February 2017

Reviewed and updated by SMT: October 2017

Reviewed and updated by Trustees March 2018 to comply with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)

Reviewed by SMT January 2019

Reviewed by SMT January 2020

Reviewed by SMT January 2021

Reviewed by SMT January 2022

Updated March 2023

Updated by Trustees July 2023

Reviewed by SMT January 2024

Reviewed by SMT January 2025

Confidentiality Policy – Appendix 1 - Retention Periods for Records

| Children's Records | Retention Period | Status | Authority | Location of Records |
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| Children's records – including registers, medication record books and accident record books pertaining to the children. | Records should be retained for a reasonable period of time. Records on Nursery software are kept until the child is 8 years old in case they come to afterschool/holiday club. SENCO = 5 years after the child has left the setting EHC and Child Protection = until the child is 25 Years Old. | Requirement Recommendation Recommendation | Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006) Limitation Act 1980 / The Statute of Limitation (Amendment) Act 1991 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years old. | Current year - Admin room Previous years - Archive Room Online Archive per service Archiving Childrens Files |
| Records of any reportable death, injury, disease or dangerous occurrence. | RIDDOR reports need to be flagged up at archive stage 3 years after the date on which it happened | Requirement | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 1995 (RIDDOR) (SI 1995/3163) | |
| Personnel Records | Retention Period | Status | Authority | Location of Records |
| Personnel files and training records (including disciplinary records and working time records) | 6 years after employment ceases | Recommendation | Chartered Institute of Personnel and Development | Confidential drive, HR and staff, leavers HR files. |
| Application forms and interview notes for unsuccessful candidates | 6 Months | Recommendation | Chartered Institute of Personnel and Development | Confidential Drive; Recruitment; unsuccessful candidates |
| DBS Check / Disclosure information | Held for 6 years after the staff member has left | Requirement | Disclosure & Barring Service. Original Disclosures are not retained in line with the DBS Code of Practice; although | Individual HR file Held as above. |

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| | | | information is retained, as follows: <ul style="list-style-type: none"> • Date of issue of a disclosure • Name of the subject • Type of disclosure requested • The unique reference number of the disclosure • The details of the recruitment decision taken/or risk assessment taken | |
| Appraisal's | 3 years - eliminate personal information that is no longer of any relevance | Recommendation | ICO – Employment Practices Data Protection code 1998 | HR files as above. |
| Pay | Retention Period | Status | Authority | Location of Records |
| Wage/salary records (including overtime, bonuses, holiday pay and expenses) | 6 years | Requirement | Taxes Management Act 1970 | Finance Office |
| Statutory Maternity Pay (SMP) records | 3 years after the end of the tax year in which the maternity period ends. | Requirement | The Statutory Maternity Pay (General) Regulations 1982 (SI 1982.894) | Individual HR file |
| Statutory Sick Pay (SSP) records | 3 years after the end of the tax year to which they relate | Requirement | The Statutory Sick Pay (General) Regulations 1982 | Individual HR file |
| Income tax and National Insurance returns/records. | 6 years from the date of redundancy | Recommendation | The Income Tax (Employments) Regulations 1993 (SI 1993/744) | Finance Office |
| Redundancy details, calculations of payments, refunds, notification to the Secretary of State | 6 years from the date of redundancy | Recommendation | Chartered Institute of Personnel and Development | Finance Office |
| Health & Safety | | | | |
| Staff accident records (for organisations with 10 or more employees) | 3 years after the date of the last entry (there are separate rules for the recording of accidents involving hazardous substances). | Requirement | Social Security (Claims and Payments) Regulations 1979. (SI 1979/628) | Archive Room |
| Records of any reportable | 3 years after the date on which | Requirement | The Reporting of Injuries, | Archive Room |

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| death, injury, disease or dangerous occurrence. | it happened. | | Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1999/437) | |
| Accident / medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) 1999 | 40 years from the date of the last entry. | Requirement | The Control of Substances Hazardous to Health Regulations 1999 (COSHH) (SI 1999/437) | Archive Room |
| Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees). Legionella sign off sheets. | Permanently | Recommendation | Chartered Institute of Personnel and Development | Archived old Risk Assessments on computer. File Path: Policy & Procedures\Risk Assessments\Archived Assessments |
| | | | | |
| Financial Records | Retention Period | Status | Authority | Location of Records |
| Accounting records | 3 years from the date on which they are made for private limited companies. 6 years for charities | Requirement | Section 386 of the Companies Act 2006 Charities Act 1993 and 2006 | Finance Office |
| General | | | | |
| Staff Registers | 1 year from the date on which they are made | Requirement | | |
| Complaints record book | At least 3 years from the date of the last record. | Requirement | Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006) | Reception |
| Insurance Liability Documents | 40 years from date of issue | Requirement | The Employers' Liability (Compulsory Insurance) Regulations 1998 | Finance Office |
| Minutes of Trustees meetings | Permanently | Recommendation | Chartered Institute of Personnel and Development | Archive M Drive |



PRIVACY NOTICE

Privacy Notice – General Data Protection Regulation (GDPR)

We (First Steps Bath) are a data controller for Data Protection. We collect personal information from you and may receive information about your child from their previous setting and the Learning Records Service. We hold this personal data to:

- Support children's learning.
- Monitor and report on children's progress.
- Provide appropriate pastoral care.
- Ensure correct contact in an emergency.
- Ensure inclusion.
- Provide updates on events & fundraising.
- Measure impact.
- Gain additional funding for nursery provision such as EYPP or FSB free lunch offer.

Information about you/your child that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your child's ethnic group, any special educational needs your child may have and relevant medical information.

We will not give information about your child to anyone without your consent unless the law and our policies allow us to.

We are required by law to pass some information about your child to our Local Authority (LA) and the Department for Education.

If you want to receive a copy of the information about your child that we hold or share, please contact Sarah Elliott our Finance and Administration Manager.

Personal information will be handled securely and shared strictly on a need-to-know basis, only by those specifically authorised to do so, and will not be kept longer than is necessary. The information is kept in part on a computerised database. Information, which may identify an individual, may be disclosed with the individual's consent (unless obtaining consent may conflict with ensuring a

¹ Attendance information is **NOT** collected as part of the Censuses for the Department for Education for the following pupils / children - a) in Nursery schools; b) aged under 4 years in Maintained schools; c) in Alternative Provision; and d) in Early Years Settings.

child's welfare), to other professionals involved with their support. First Steps (Bath) is required to pass on some of this data to the Local Authority and to agencies that are prescribed by law, such as Ofsted. Individuals have the right to ask to see personal information held about them by speaking to the Centre Manager. First Steps (Bath) keeps child and adult records according to the retention periods listed in Appendix 1, after the individual has ceased accessing services. Records are then destroyed.

CCTV cameras are operational both outside and in the reception area of our Centres, for safety

You have the right to ask to see personal information held about you by speaking to the Head of the Centre. When your child leaves the Centre all their records are passed onto the appropriate school and signed for. Information on Special Educational Needs is retained for one year to enable us to respond to information requests from services, which are helping your child in their Primary School. EYFS developmental data analysis is retained in order to provide Ofsted with evidence of children's progress over time. We also ask your permission to use and retain photographs of your child engaging in their activities at Nursery which are used in displays and to train professionals. If you do not wish your child's photo to be used, please do not sign the form.

Further information is available in the First Steps (Bath) Confidentiality and Data Protection policy available on the web site

If you need more information about how the LA and DfE store and use your child's information, then please go to the following websites:

<http://www.bathnes.gov.uk/services/your-council-and-democracy/data-protection-and-freedom-information>

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

[Information sharing: advice for practitioners \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

- Department for Education
Piccadilly Gate
Stall Street
M1 2WD
Website: www.education.gov.uk
Email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

CONFIDENTIALITY AGREEMENT

The importance of confidentiality is paramount and there is a legal duty to parents and carers to keep all information regarding that service user confidential, unless the service user gives permission for the information to be released to other people, or there are safeguarding concerns.

This is the reason why you must observe the utmost discretion about the information which comes into your possession in the course of your work experience. You may have access to, or hear, information concerning the medical or personal affairs of parents and/or staff, carers, relatives, or other company business. Such records and information are strictly confidential and must NOT be discussed within, or more importantly, outside of First Steps.

There are several basic rules which you should keep in mind:

- Do not discuss any service user, parent, or carer with other service users, or those outside First Steps, even your own family.
- Show the service user case notes only to other members of the team involved in the support of the service user and any other person authorised by the server user to see that record.
- Do not start or repeat gossip about First Steps business or any service user.

Breach of any of the above conditions will be regarded as grounds for instant termination of the placement and the matter will be reported to your school/college if applicable.

The contract can be terminated on either side with no notice.

Please sign and return one copy to the service manager. The second copy is for your retention.

Yours sincerely

Manager

I have read and understood the confidentiality agreement.

Signed: _____

Print Name: _____

Date: _____