

CONFIDENTIALITY AND DATA PROTECTION POLICY

Confidentiality

It is the policy of **Over the Rainbow Early Learning Centre Ltd** not to discuss details of any child or family outside the service without written permission. In the event of a suspicion of child abuse our Child Protection Designated Liaison Person will talk to a Tusla duty social worker with the knowledge of the parents. Confidential information is shared only with the staff members who need the information to effectively perform their duties. Personal details are not discussed without consent. Both staff and parents have the right to examine their own files.

Over the Rainbow Early Learning Centre Ltd respects the right for all information, records and observations to be treated with respect and with due attention to confidentiality and privacy.

Procedures

- Using concise, easy to understand and clear language, parents will be made aware of:
 - ✓ our reasons for gathering personal data
 - ✓ how we will use the data
 - ✓ how we store the data and how long we retain the data for
 - ✓ who we might share the data with
 - ✓ their individual rights under the GDPR
- It is not acceptable to discuss matters relating to children or their families outside of preschool, except in notification procedures to Tusla of child protection issues.
- Breaches of confidentiality by staff members will be dealt with under our disciplinary procedures.
- Other non-confidential information relating to children will be kept appropriately and updated regularly under the supervision of the Managers.
- A designated officer will be appointed to deal with confidential matters relating to child protection matters, and it is to this Child Protection Designated Liaison Person that any queries or concerns should be addressed.
- The importance of total confidentiality has been made clear to all our staff and volunteers. Everyone within the service must understand that anything relating to the children or staff must not be discussed outside the preschool setting.
- The parent's confidence in our service is very important to us and parents can be assured any discussion they may have will be treated in the strictest of confidence.

Data Protection

Over the Rainbow Early Learning Centre Ltd will conform to the provisions of the Data Protection Act 1998 and the Data Protection (Amendment) Act 2003 as well as the Child Care Act 1991 (Early Years Services) Regulations 2016, and EU GDPR 2016/679 (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC).

Personal Data Protection

Under the provisions of the Act's our service has appointed a Data Controller, who will be responsible for the storage of personal information about staff, children and families in its computerised and manual records.

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Procedure

Over the Rainbow Early Learning Centre Ltd will follow the following principles in relation to keeping data:

- Obtain and process information fairly.
- Ensure that the data subjects know what information is being held about them and for what purpose.
- Keep information for lawful purposes.
- Process information in ways compatible with the purpose for which it was given originally.
- Ensure that the information is adequate, relevant and not excessive.
- Retain the information no longer than is necessary (see record keeping policy).
- Give a copy of personal information to the individual concerned on request.
- Amend information held on employees if the employee indicates that the information is incorrect.
- Adhere to the 'need to know principle' – only personal data necessary for the purpose should be collected and staff should only be able to access the personal data that they need to carry out their functions.
- Have adequate access controls, firewalls and virus protection and do not forget manual files.
- Ensure that data maintained is securely and confidentially stored.

Informing Staff on Data Protection Acts management will ensure that:

- The basic principles of data protection are explained to staff and parents. This will be done during staff induction, staff meetings and through our parent handbook.
- There are regular updates to data protection awareness, so that data protection is a "living" process aligned to the way the service conducts its business.
- The Data Controller will periodically check data held with regard to accuracy and have complete regular security reviews.
- Non-compliance of the data protection and other policies may invoke the disciplinary procedure.

Employee Responsibilities

As an employee you are responsible for:

- Checking that any information that you provide in connection with your employment is accurate and up to date
- Notifying the managers of any changes to information you have provided, for example changes of address
- Ensuring that you are familiar with and follow the data protection policy. Any breach of the data protection policy, either deliberate or through negligence, may lead to disciplinary action being taken and could in some cases result in a criminal prosecution.
- Any personal data that you hold, whether in electronic or paper format, is kept securely.
- Personal information relating to children or their families is not disclosed either verbally or in writing, accidentally or otherwise, to any unauthorized third party

Storage of Data

The security of personal information relating to children and families is a very important consideration under the Data Protection Acts. Appropriate security measures will be taken against unauthorised access to this data.

A minimum standard of security will include the following measures:

- Access to the information should be restricted to authorised staff on a “need-to-know” basis.
- Manual files will be stored in a lockable filing cabinet located away from public areas.
- Computerised data will be held under password protected files with a limited number of users.
- Any information which needs to be disposed of, will be done so carefully and thoroughly.
- Premises will be secured when unoccupied.

Data collected on behalf of DCYA for ECCE

The personal information which parents will be required to provide on application forms for the above scheme including their Personal Public Service Number (PPSN) are protected by the Data Protection legislation.

The following principles should be observed to ensure that the information supplied by parents meets the required levels of data protection.

- Obtain and process information fairly. To fairly obtain the data, the data subject must, at the time the personal data is being collected, be made aware of the identity of the data controller/the purpose in collecting the data, and the persons or categories of persons to whom the data may be disclosed.
- To fairly process the data it must have been fairly obtained and in this case, the data subject must have consented to the processing.
- Parents who return completed forms to a service provider for the purpose of the ECCE scheme should be aware of and consent to the transmission of the information to the DCYA.
- PPSN information may be transmitted electronically through the PIP online system operated by Pobal. The system can electronically check and validate the PPSN number against the name, DOB and PPSN details
- Where a parent’s declaration is not verified by the DCYA’s checks, a letter will be issued to inform them that the subvention (ECCE funding) applied for does not apply.
- We will correct our register of the subventions due to parents, and supply the parent with the letter, stating that as a result we will not receive grant aid to reduce the fee charged. We will not retain this letter, or a copy of it, for more than 1 month.
- If in the verification of information a parent disputes the outcome, they should contact the DCYA directly.
- **Over the Rainbow Early Learning Centre Ltd** will only keep data for specific, lawful and clearly stated purposes and the data will only be processed in a manner compatible with the purpose(s).
- In this case, only information required on the ECCE official form is to be requested from parents for the purposes of the scheme.
- The information on PIP Parental Declaration Forms completed by parents is input onto the PIP system and then the form is destroyed confidentially.
- A form is then generated on the PIP system with a unique reference number and a copy will be given to the parent and copy kept on site for the purposes of compliance

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visits to show that the child has been registered in accordance with the parent's childcare requirements.

- The information contained in these forms should not be used for further purposes or disclosed to third parties, other than the DCYA/Pobal
- Requests for information from third parties should be referred to the DCYA for reply.
- **Over the Rainbow Early Learning Centre Ltd** will comply with the retention period set out for these schemes by the DCYA/Pobal.

Data collected through Garda Vetting

- Garda Vetting requests are processed through Early Childhood Ireland for employees.
- **Over the Rainbow Early Learning Centre Ltd** understands that sensitive information may be identified through Garda Vetting. In the event that an employee's Garda vetting raises concerns the information will be dealt with on a confidential basis.
- The service will not pass on a copy of an employee's Garda Vetting Form to any other party.
- We will hold original Garda Vetting forms and will not accept copies from any other agency.
- Dealing with Access Requests we will ensure that they follow the guidelines set down by the Data Protection Office.
- Every individual about whom the data controller keeps personal information has a right to request a copy of the data which is kept about them.
- On making an access request any individual about whom you keep personal data is entitled to:
 - A copy of the data you are keeping about him or her.
 - Know the categories of their data and your purpose/s for processing it.
 - Know the identity of those to whom you disclose the data to.
 - Know the source of the data, unless it is contrary to public interest.
 - Know the logic involved in automated decisions.
- Data held in the form of opinions, except where such opinions were given in confidence and even in such cases where the person's fundamental rights suggest that they should access the data in question it should be given.
- To make an access request the data subject must:
 - Apply to in writing (which can include email);
 - Give any details which might be needed to help you identify him/her and locate all the information you may keep about him/her e.g. previous addresses, date of birth, etc.
- Every individual about whom personal information is kept, has a number of other rights under the Act, in addition to the Right of Access. These include:
 - the right to have any inaccurate information rectified or erased,
 - to have personal data taken off a direct marketing or direct mailing list
 - the right to complain to the Data Protection Commissioner.
- In response to an access request the data controller must:
 - Supply the information to the individual promptly and within 40 days of receiving the request;
 - Provide the information in a form which will be clear to the ordinary person.

Communication

All parents/guardians are informed of this policy on enrolment. Staff members will check with parents that they have read and understood the policy and provide any assistance needed.

A summary of this policy will be included in the parent handbook. This policy will also be reviewed with staff members at induction and annual staff training.

A copy of all policies will be available during all hours of operation to staff members and parents in the Policy Folder located in the setting or on the website www.overtherainbowelc.com

Parents/guardians may receive a copy of the full policy and procedures at any time upon request. Parents/guardians and all relevant staff members will receive written notification of any updates to this policy.

This policy was adopted by **Over the Rainbow Early Learning Centre Ltd** on:

Date: _____

Manager

co-Manager

Review Date: _____