Obligation to confidentiality

“Whoever is or has been operative in a private preschool is subject to obligation to confidentiality” (29th chapter, § 14 in the school law).

Introduction

The preschool is a work place where pedagogues get in close touch with people’s most private areas of life. Children speak openly about things that can be sensitive for the parents and thereby the pedagogues get to know about the social situation of the children and their parents. This information must be handled in a careful manner so that confidence is not rocked. The pedagogues therefore must be aware of what and with whom they speak so that no-one gets infringed, and so that best of the children always comes in the first room.

Private preschools are not covered by the principle of publicity. It is the duty of each pedagogue to know how the obligation to confidentiality works within the preschool. Violation against the obligation to confidentiality entails criminal liability, and we can be punished according to penal code, Brottsbalken (BrB 20:3).

The head of operation is responsible that all staff know the meaning of the obligation to confidentiality, according to the 29th chapter, § 14 in the school law (2010:800). The head of operation is also responsible that parents are informed about obligation to confidentiality and obligation to report. This takes place when the admission letter is sent, during the schooling in period, and at meetings for parents.

What does the obligation to confidentiality mean in practice?

- That pedagogues and other staff neither are allowed to disclose data or information about the private conditions of the child nor the family to outsiders.
- It includes both information orally and information written in documents.
- It is in force also after the employment period has ended, and this is the case for private enterprise.
- It includes all staff, even cooks, maintenance staff, interns, and others who in different ways participate in the operations in the preschool. It means that even parents who contribute with work in the preschool in one way or another also are included in the obligation to confidentiality.

The conditions are to be met by:

- The head of operation continuously informs (staff meetings, planning days) all the employees and substitutes who work in the preschool concerning the obligation to confidentiality, that whoever is or has been employed within the preschool operation or child care is not allowed to share what he or she has got to know about
private conditions. Even parents who perform assignments on boards or task groups need to be informed about the meaning of the obligation to confidentiality.

- The head of operation informs the staff that the material stored in the preschool (documentation about the children, individual development plans) should be kept in a way that unauthorised persons cannot get access to them.
- The head of operation informs the staff that obligation to confidentiality also should be observed after employment has ended, and this is the case for private enterprise.
- In order to assure that all staff know about the meaning of obligation to confidentiality, all new employees receive a short briefing and sheets with information about the regulations on obligation to confidentiality, and sign the forms for confidentiality at the beginning of employment (see attachment “Avowal on confidentiality”).
- Head of operation also informs staff that the rule about confidentiality comprises all staff, even those who are cooks, cleaners, trainees, interns, and others who in different ways participate in the operation of the preschool. This means that even parents who contribute with work shifts on the preschool, or anything like, are also subject to the obligation to confidentiality.
- Head of operation reminds the staff that information about the child must not be disclosed when transferring from preschool to school without consent from guardians.
- Head of operation is responsible that parents with children in the preschool are informed about obligation to confidentiality and obligation to report. This takes place when letter of admission is mailed out, during the period of schooling in, and at meetings for parents.

**Head of operation informs the staff about some important exceptions from the obligation to confidentiality:**

- Consent from guardian breaks the obligation to confidentiality. Such a consent gives way for the staff to discuss issues about the child, for example at transfer to or from another preschool.
- Reporting to social services (14th chapter § 1 Social Services Act [2001:453]) when concerned about the child, also breaks the obligation to confidentiality. It is a legal obligation to file such a report, and it must be done regardless the information one in such case must disclose are covered by confidentiality.
- At supervision of the private preschool the municipality has the right in its supervisory activities to take part in information that normally is covered by confidentiality. It may for example apply to action programs or other documentation about the development of a child.
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Avowal on confidentiality

All staff and interns at Eudora international preschool

“Whoever is or has been operative in a private preschool is subject to obligation to confidentiality” (29th chapter, § 14 in the school law).

Private preschools are not covered by the principle of publicity. But in order to protect the integrity of children and parents there are regulations on obligation to confidentiality in the 29th chapter § 14 in the School Law. In order to protect the integrity of the children at Eudora international preschool obligation to confidentiality is in force. It is the obligation of every pedagogue to know how confidentiality works within the preschool. Offence against the confidentiality entails criminal liability and we can be sentenced to punishment under the criminal code, Brottsbalken (BrB 20:3).

What does the obligation to confidentiality mean in practice?

- That pedagogues and other staff neither are allowed to disclose data or information about the private conditions of the child nor the family to outsiders.
- It includes both information orally and information written in documents.
- It is in force also after the employment period has ended, and this is the case for private enterprise.
- It includes all staff, even cooks, maintenance staff, interns, and others who in different ways participate in the operations in the preschool. It means that even parents who contribute with work in the preschool in one way or another also are included in the obligation to confidentiality.

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**Avowal on confidentiality**

I have taken part of the information above and I have understood what the rules mean. I commit to following these rules and I am aware that they apply for the rest of my life.

Stockholm, date _______________________

____________________________________  __________________________
Signature                                Name with print letters