

## Data Privacy

**MN Rules 9502.0345, subpart 2. Data Privacy.** The agency, department, and the authorized agent shall have access to provider records on children in care to determine compliance with parts 9502.0315 to 9502.0445. **The provider shall not disclose any records on children in care to any persons other than the parents of the child, the agency, the department, the persons required by part 9502.0375, subpart 1, and medical or public safety persons if information is necessary to protect the health and safety of the child.**

- Providers work closely with families, which means they often handle sensitive, private information.
- Creating healthy boundaries and maintaining confidentiality is very important and is key to a successful working relationship with parents.
- Providers must protect children's immunization records, health information and keep any special needs private.
- A privacy policy in your contract/handbook will inform parents that license holders and caregivers will keep all records and information about families confidential and that information will be released only when required by law or with written permission of parents/guardians.
- License holders must have parents sign written permission to post or share information such as first names or photos.

## Privacy/Confidentiality Policy

It is the policy of my program to protect the privacy of families in my care. I will do so by following these procedures:

1. I will abide by MN Rules 9502, MN Statutes 245A and 245C and by Minnesota's data practices laws. I will only share information with our child care licensing agency that I am required to share.
2. I will keep all records and information about your child and your family private and confidential, unless I have your written permission to reveal specific information. This includes information about children who may become ill, are injured during the child care day, or have special needs. The following situations are exceptions to this general rule:
  - a. I will occasionally post photographs of your child around my home and in photo albums that may be seen by prospective clients to my program.
  - b. Your child's name may appear on artwork, cubbies or on other objects around my home.
  - c. I will use an electronic monitor to listen in on napping children and to assist me in supervising when children are playing on another level or in a room different from me.
  - d. If I see members of your family in a public setting (park, school, church, shopping center, etc.), I will feel free to initiate contact that acknowledges our business relationship.
3. I ask that you also respect the privacy of other families and children enrolled in my care by not sharing any information or photographs without parents' written permission.
4. I ask that you also respect the privacy of my family by not sharing any information you learn about my family with others without my written permission.

Parent: \_\_\_\_\_

Date: \_\_\_\_\_

License Holder: \_\_\_\_\_

Date: \_\_\_\_\_

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## Social Media Issues for Family Child Care

The use of social media has helped some child care providers communicate with their parents and advertise their program. The general use of these sites is not prohibited. However, disclosing records or photographs of children without written permission is prohibited (see MN Rule 9502.0345, Subp. 2).

Before posting any information or photograph of a child or family in care on a blog, business website or social media page, be sure to have **written permission** from a parent or legal guardian. Identifying a child or family with a fictitious name does not eliminate your liability or a data breach.

A sample release form is now available on the Anoka County Child Care Licensing website under Forms. Please remember that once information or photos are posted on websites or social media the information becomes public and could be accessed by anyone. We urge all child care providers to exercise caution when deciding if or what to post. Depending upon when posts are made it could raise concerns about the supervision of children.

We understand and appreciate that social media accounts are personal, but it is wise to first consider the impact on your business. Families and prospective families can access posts, and social media has become an arena to air grievances and/or frustrations. Where it might temporarily feel empowering to blast someone publicly, others may perceive it to be out of line, unprofessional, and/or unstable. If an issue has been that upsetting, it is best to deal with it on a one-on-one basis privately.



### **Social Media Release Form:**

I have a Facebook, Instagram and Twitter page called: \_\_\_\_\_

It was created for sharing photos of the children learning and to keep in contact with families. Please complete the bottom of this form granting me permission to post photos and videos of your child and their work.

\_\_\_\_\_ I give permission for my child, \_\_\_\_\_, to be photographed/recorded and for these photos to be posted on the Facebook, Instagram, and Twitter pages \_\_\_\_\_.

I understand that I can revoke this permission at any time.

\_\_\_\_\_ I do not give permission for my child's photo to be posted on Facebook, Instagram or Twitter.

Parent Signature: \_\_\_\_\_

Date: \_\_\_\_\_