



Policy Document:

Data Protection.

Data Protection Act 1998
General Data Protection Regulation 2016/679

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Data Protection.

Policy Statement

The Meadows Day Care Centre collects and uses personal information about staff, pupils, parents /carers and other individuals who come into contact with the Centre. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the Centre complies with its statutory obligations.

The Centre is registered, as a Data Controller, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. The Centre also has a duty to issue a Data Privacy Notice to all pupils/parents/carers, employees and volunteers, this summarises the information held on those individuals, why it is held and the other parties to whom it may be shared.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, the General Data Protection Regulation 2016/679 (GDPR) and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff and committee members involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The GDPR establishes seven enforceable principles that must be adhered to at all times:

1. *Lawful, fair and transparent processing* - emphasising transparency for data subjects;
2. *Purpose limitation* - having a lawful and legitimate purpose for processing the information in the first place;
3. *Data minimisation* - making sure data is adequate, relevant and limited and organisations are sufficiently capturing the minimum amount of data needed to fulfil the specific purpose;
4. *Accurate and up-to-date processing* - requiring data controllers to make sure information remains accurate, valid and fit for purpose;
5. *Limitation of storage in a form that permits identification* - discouraging unnecessary data redundancy and replication;
6. *Confidential and secure* - protecting the integrity and privacy of data by making sure its secure (which extends to IT systems, paper records and physical security);
7. *Accountability and liability* - demonstrating compliance.

General Statement

The Centre is committed to maintaining the above principles at all times. Therefore the Centre will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared

- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff and committee are aware of and understand our policies and procedures

The Centre expects parents/carers, employees and volunteers to keep private and confidential any sensitive information they may learn about the setting or children and their families who attend the setting, unless it is a child protection issue.

The Centre will be asking parents/carers for personal data about themselves and their child(ren) in order to deliver a childcare service (see the Centre's Data Privacy Notice). The Centre is required to hold and use this personal data in order to comply with the statutory framework for the early years foundation stage, Ofsted, Department for Education and the local authority.

The Centre will be asking employees and volunteers for personal data about themselves in order to provide employment and for use in case of emergency (see the Centre's Data Privacy Notice). The Centre is required to hold and use this personal data in order to comply with employment legislation and Ofsted.

Subject Access

Parents/carers have a right to inspect records about their child at any time. This will be provided in accordance to the Centre's Subject Access Request Procedure without delay and no later than one calendar month after the request, which should be made in writing. The Centre will ask parents/carers to regularly check that the data held is correct and update it where necessary.

Employees and volunteers have a right to inspect records held about them at any time. This will be provided in accordance to the Centre's Subject Access Request Procedure without delay and no later than one calendar month after the request, which should be made in writing. The Centre will ask employees and volunteers to regularly check that the data held is correct and update it where necessary.

Storage

The Centre will keep all paper-based records relating to parents/carers, children, employees and volunteers secure within the Centre building or at other external locations where data may be processed.

Some records may be held in a electronic format (on internal/external computers, or in cloud storage such as Google Drive or One Drive) including digital photos or videos. This will also include CCTV images. All digital records will be stored securely protected by password access to prevent viewing of the information by others without access to the specific computer.

All computers within the Centre will use up-to-date firewall and virus protection software. Where data is stored and/or processed in external locations other than the Centre, the Centre will carry-out due diligence to ensure the security procedures are as required and GDPR compliant.

Data stored and/or processed at external locations will only be stored and/or processed by those individuals who have the right to do so and are linked directly with the Centre. This will only include employees and where necessary selected committee members. All necessary checks will be made to ensure data is not able to be used by individuals/organisations not connected with the Centre.

Information Sharing

The Centre is expected to share information with other childcare providers if a child attends another setting.

The Centre is also required to share information with the local authority in regards to the childcare and early years entitlements.

Under employment and pay legislation, the Centre is required to share information with government bodies such as HMRC and pension providers.

The Centre will not share any information with anyone without the consent of the individual unless there is a legal obligation to do so, or child protection concern.

Ofsted, HM Revenues and Customs and the local authority may require access to the records held by the Centre at any time.

The Centre will only share information if it is in a child's best interests to do so. For example in a medical emergency the Centre will share medical information with a healthcare professional. If the Centre is worried about a child's welfare the Centre has a duty of care to follow the Local Safeguarding Children Board procedures and make a referral. Where possible the Centre will discuss concerns with parents/carers before making a referral.

Record Keeping

All accidents and 'intimate care' interventions will be recorded in the relevant record book.

The Centre will inform Ofsted, the local child protection agency and the Health and Safety Executive of any significant injuries, accidents or deaths as soon as possible.

All significant incidents will be recorded in an incident book and these will be shared with parents/carers so that together the Centre and the parent/carer can work to resolve any issues.

Safe Disposal of Data

The Centre is required by law to keep some data for some time after a child or employee has left the setting. The Centre has a review plan in place and ensures that any data is disposed of appropriately and securely.

Suspected Breach

If the Centre suspects that data has been accessed unlawfully, the Centre will inform the relevant parties immediately and report to the Information Commissioner's Office within 72 hours. The Centre will keep records of any data breach.

Complaints

Complaints will be dealt with in accordance with the Centre's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Further advice and information is available from the Information Commissioner's Office. You can contact the Information Commissioners Office on 0303 1231113 or 01625 545745, via email <https://ico.org.uk/global/contact-us/email/> or at:
Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire. SK9 5AF.

ADOPTION AND ANNUAL REVIEW OF THE POLICY

This policy was reviewed on: - 1 May 2018
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