



Policy Document:

Data Protection.

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Policy statement

The Meadows Day Care Centre collects and uses personal information about staff, pupils, parents 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 Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

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, 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 Data Protection Act 2018 establishes that everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

1. used fairly and lawfully;
2. used for specified and explicit purposes;
3. used in a way that is adequate, relevant and limited to only what is necessary;
4. accurate and, where necessary, kept up to date;
5. kept for no longer than is necessary;
6. handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

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 in an 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.

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, www.ico.gov.uk or telephone 03031231113 or 01625545745

Appendix 1

The Meadows Day Care Centre

Procedures for responding to subject access requests made under the Data Protection Act 2018.

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 2018 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (England) Regulations 2005.

These procedures relate to subject access requests made under the Data Protection Act 2018.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Centre Manager. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and if necessary, checks should also be carried out regarding proof of relationship between an adult and a child. Evidence of identity can be established by requesting production of:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement

This list is not exhaustive.
3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Centre Manager should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. The Centre will not charge a fee to comply with a SAR, but may charge a 'reasonable fee' for the administration costs of complying with a SAR, dependent upon the following:
 - The amount of information being requested.
 - The time and effort it will take to process the SAR.
 - If the SAR is requesting multiple/further copies of the same information.

5. The response time for subject access requests, once officially received, is one month. In certain circumstances, this can be extended by a further 2 months. If this is the case the Centre must inform the enquirer within 1 months of the request and explain why there will be a delay.
6. The Data Protection Act 2018 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another setting. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 1-month timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the Centre with a member of staff on hand to help and explain matters if requested, or provided at face-to-face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Centre's Management Committee who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Centre's complaint procedure.

Complaints which are not appropriate to be dealt with through the Centre's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact the Centre Manager.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 03031231113 or 01625545745.

ADOPTION AND ANNUAL REVIEW OF THE POLICY

This policy was adopted on:..... - 1 July 2015
Signed:.....JRS

This policy was reviewed/amended in:..... - May 2018
Signed:.....JRS

This policy was reviewed/amended in:..... - February 2021
Signed:..... SK

This policy was reviewed/amended in:..... - August 2023
Signed:.....JRS

This policy was reviewed/amended in:..... -
Signed:.....

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Staff confirmation sheet – Staff members need to sign once the policy has been read.

Date:	Print Name:	Signature: