



19. GENERAL DATA PROTECTION REGULATION POLICY

This policy should be read in conjunction with the *General Data Protection Regulation Act 2018 (GDPR)* -Privacy and *Electronic Communications Regulations 2003(PECR)*- Information commissioner (ICO) data protection guidance and Ladybird Forest Pre-School 'Privacy Notice'.

Background

The GDPR applies only to living individuals.

Under the GDPR, there are stringent regulations that apply to the collection, using, disclosing, storing or disposing of personal data.

What is personal data?

Personal data is any data that can be linked to a single person and which identifies them in some way.

For example, name and personal email address and/or any of the following: Postal address, telephone numbers, bank account detail, payment card details, marital status and date of birth.

However, a name and a generic email(info@) is not personal data and an email address alone is NOT personal data unless it can be directly linked to more data stored elsewhere.

There are even stricter regulations that apply to what is termed 'sensitive personal data'. This is information that relates to race, ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexuality and criminal offences. Schools all hold a great deal of sensitive data in their pupil and staff records.

In this context, the Pre-School (technically the Directors/Management/Administrator) is the data lead controller for the purposes of the relevant legislation and has the primary responsibility for ensuring that all legal requirements are met.

All Pre-Schools are legally obliged to protect any information, either personal data or sensitive personal data, about pupils and staff from unauthorised access and from accidental loss or damage. The Pre-School has a legal duty to obtain consent from individuals to hold such data and informed what data we hold on them and what we intend to do with it, who we might share it with (If anyone) and how long we are likely to keep it. Individuals will have the right to be forgotten and the right to object to certain types of data used.



The Pre-School has a duty to register with the Information Commissioner's Office (ICO) that they are processing personal data and therefore are data controllers and must notify them if a 'breach' of data has been made. That notification must be renewed whenever the data held changes in any substantial way (Located in the Pre-School office notice board).

Under the GDPR, any individual has the right to make a request to access the personal information held about them.

In addition, under the GDPR the Pre-School may hold some information about parents and guardians.

The Education Pupil Information Regulations 2005 cover the rights of parents to access their child's educational record. Request can be made in writing to the Pre-School manager for such access.

There is a statutory exception to the above, where parents do have an automatic right to access defined materials under the Education (School Records) Regulations 1989. The Pre-school will observe these statutory rights.

Introduction

At our Pre-School, we acknowledge that to function properly we need to collect and use certain types of information about staff, students and other individuals who come into contact with the Pre-school. We are also obliged to collect and use data to fulfil our obligations to the Local Authority/Ofsted. We deal with information properly in whatever way it is collected, recorded and used - on paper, electronically or any other way. We regard the lawful and correct treatment of personal information as very important to successful operations and to maintaining confidence between those with whom we deal and ourselves. We are conscious that much of the data we hold is classified as sensitive personal data and we are aware of the extra care this kind of information requires. We ensure that our organisation treats all personal information lawfully and correctly. To this end, we fully endorse and adhere to the GDPR as contained in the General Data Protection Regulation Act 2018.

Data Protection Principles

All members of staff employed in our Pre-School are required to adhere to the GDPR data protection principles as set out in the General Data Protection Regulation Act 2018.

Data shall be processed fairly and lawfully and shall not be processed unless specific conditions are met.



Personal data shall be obtained only for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose or those purposes.

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Personal data shall be accurate and where necessary, kept up-to-date.

Personal data shall not be kept for longer than is necessary for that purpose or those purposes.

Record keeping retention periods:

Children's Records-including registers/medication- Records should be retained for a reasonable amount of time (Three years)

Children's incident or concern records-Recommendations (Limitation Act 1980) until the child reaches the age of 21 or 24 for child protection records.

Children's accident records-Until the child reaches 18 years old due to the normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to three years after, or deliberately caused personal injury up to six years after the event) are postponed until a child reaches 18 years old.

Records of any reportable death, injury, disease or dangerous occurrence-Three years after the date the record was made.

Personnel Records:

Personnel files and training records (including disciplinary records and working time sheet-Six years after employment ceases.

Application forms and interview notes (For unsuccessful candidates) six months to one year.

Redundancy details-Six years from the date of redundancy

Records of any reportable death, injury, disease or dangerous occurrence-Three years after the date the record was made.



Staff accident records (For organisations with 10 or more employees)-Three years are after the date the record was made (there are separate rule for reporting accidents involving hazardous substances).

Accident/medical records as specified by the control of substances hazardous to health regulations(COSHH)-40 years from the date of the last entry.

Assessments under the health & safety regulations and records of consultations with safety representatives and committees-Permanently

Accounting records-Six years for public limited companies/charities

Administration records:

Complaints record book-Three years from the date of the last record

Insurance certificates-40 Years from the date insurance commences or is renewed

Minutes/minute books-Permanently

Personal data shall be processed in accordance with the rights of data subjects under the GDPR. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection

for the rights and freedoms of data subjects in relation to the processing of personal data.

Within the Pre-School we will strictly apply the following criteria and controls. These are to:

Notify the ICO that we process personal data and re-notify if procedures change or are amended.

Meet our legal obligations to specify the purposes for which information is used.

Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.

Ensure the quality of information used.



Apply strict checks to determine the length of time information is held.

Ensure that the rights of the persons about whom information is held can be fully exercised under the Act. These include the right to be informed that processing is being undertaken, the right to access to one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong information.

Take appropriate technical and organisational security measures to safeguard personal information. We will review the physical security of buildings and storage systems as well as access to them. All portable electronic devices must be kept as securely as possible on and off Pre-School premises.

Ensure that all Disclosure and Barring Service (DBS, formerly Criminal Records Bureau) records (recruitment and vetting checks) are kept in a safe central place and that no unnecessary certification information is kept longer than six months.

Ensure that personal information is not transferred abroad without suitable safeguards.

Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.

Set out clear procedures for responding to requests for information

Have in place secure methods for safely disposing of all electronic and paper records.

Be sure that photographs of pupils are not included in any school publication or on the school website without specific consent.

We shall also ensure that:

There is three named persons with specific responsibility for data protection within the school.

All persons managing and handling personal information understand that they are contractually responsible for following good data protection practice.

All persons managing and handling personal information are trained to do so.

Anyone wanting to make enquiries about handling personal information knows what to do.



Anyone managing and handling personal information is appropriately supervised.

Queries about handling personal information are properly and courteously dealt with.

Methods of handling personal information are clearly described.

A regular review and audit is made of the way personal information is held, managed and used.

Methods of handling personal information are regularly assessed and evaluated.

Performance with handling personal information is regularly assessed and evaluated.

A breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against the members of staff concerned.

On occasions when information is authorised for disposal, it is done appropriately. The setting has secure lockable shredding consoles to enable the setting to be compliant with the GDPR. Identity destruction collection company remove the internal sack within the console, sealed and transported within an CCTV managed shredding facility. After the process the setting is issued with a certificate of destruction for our records.

Requests for information must be made in writing (which includes the use of e-mail) and be addressed to the Manager. If the initial request does not clearly specify the information required, then the Pre-School will make further enquiries.

The Manager must be confident of the identity of the individual making the request. When the request concerns data about a pupil, checks will also be carried out regarding proof of relationship to the child. In addition, evidence of identity will be established by requesting production of:

- o Passport.
- o Driving licence.
- o Utility bills with the current address.
- o Birth/marriage certificate.
- o P45/P60.
- o Credit card or mortgage statement (this list is not exhaustive).

Third party information is information that has been provided by another person such as the local authority, the police, a health care professional or another school. It is normal



good practice to seek the consent of the third party before disclosing information. Even if the third party does not consent, or consent is explicitly not given, the data may be disclosed. (There is no need in the case of third party requests to adhere to the 40-day statutory timescale.)

Any information that could cause serious harm to the physical, emotional or mental health of a pupil or another person may not be disclosed, nor should information that would reveal that the child is at risk of abuse. The same stricture applies to information relating to court proceedings.

If there are concerns about the disclosure of information, then additional advice should be sought, usually from the Information Commission's Office.

When redaction (blacking out or obscuring of data) has taken place, then a full copy of the information provided will be retained to establish, if a complaint is made, what was redacted and why.

Information disclosed should be clear, with any codes, technical terms, abbreviations or acronyms explained. If information contained within the disclosure is difficult to read or illegible, it will be retyped.

Information can be provided at the Pre-School with a member of staff on hand to assist if requested or provided at face-to-face handover. The views of the applicant will be taken into account when considering the method of delivery. If postal systems must be used, then registered or recorded mail will be used.

Complaints will be dealt with in accordance with the pre-School complaints procedure, which is available from the Pre-School (Squirrel Room). Should the complainant wish to take the matter further, it may be referred to the Information Commissioner www.ico.gov.uk.

Working from Home

When working from home the 'Work from Home Agreement' and the 'Work from Home Agreement-Self Assessment Checklist' must be completed beforehand and agreed by their supervisor.

The Pre-School General Data Protection Regulation Policy must be adhered to at all times. All electronic devices must be configured to high security standards, password protected and saved in Google drive/iCloud.

Suitable insurance cover must be in place to cover any Pre-School property.

Only electronic data can be removed from Ladybird Forest Pre-School's premises.



This policy will be reviewed by the Manager at least every Year.

GDPR Privacy Notice (Appendix 1)

This policy was reviewed by	Amanda Sanders-Manager Victoria Burns-Chair Gemma Burnett-Director
This policy was adopted by	Victoria Burns
Chairs signature	
Date of signature	
Date for review	November 2020



Introduction

At Ladybird Forest Pre-School we take your privacy seriously and are committed to ensuring that your personal data is protected in accordance with data protection laws and used in line with your expectations.

This privacy notice explains what personal data we collect, why we collect it, how we use it, the control you have over your personal data and the procedures we have in place to protect it.

When we refer to "we", "us", "our" or "the setting" we mean Ladybird Forest Pre-School.

What personal data we collect

We collect personal data about you, your partner and your child to register your child at our setting. Personal details that we obtain from you include names, dates of birth, email addresses, addresses, telephone numbers, mobile numbers, information about your doctor, dentist, any allergies/intolerances, illnesses, adoption/guardianship, social workers, password for collecting your child, permission to share information about your child with outside agencies, emergency treatment, internet access, use of photographs and videos.

This data will be collected from you directly in the admissions paperwork (All About Me Form, Application to go on the Waiting List Form, Admission Form, Child Care Plan, NEF Parent Declaration Forms, Information Sharing Between Settings Form, Permissions Form, Session Request Form, Settling In Plan, Copy of your child's birth certificate or passport).

We may collect other data from you when you voluntarily contact us.

Why we collect personal data and the legal basis for handling your data

We use your personal data for the creation and administration of your and your child's membership with us. This includes using your data in the following ways:

- allocating sessions, Lunch Clubs, Breakfast Clubs and After Pre-School Clubs to your child;
- allocating Forest School and Small Groups sessions to your child;
- allocating a key person to your child;
- creating and maintaining an up-to-date register with emergency contact details;
- creating attendance registers;
- creating Care Plans, IHAS, SEND Support Plans for your child if relevant (records/minutes are kept of any meetings that take place with outside agencies



regarding your child's welfare, including any conclusions, recommendations, short and long-term outcomes).

- transferring the information from the admissions paperwork to LATS and TAPESTRY and other internal programmes;
- to communicate with you regarding any matters arising from your child being registered at our setting;
- Your email address will be added to a group email; you will receive regular emails from us regarding the running of the setting, information that might be of interest to you.

All the information we gather about you, your partner, your child is to ensure that we are able to meet your family's needs at our setting, to promote your child's wellbeing and learning opportunities and to make sure that your child is safe with us.

With your consent we would also like to add your email address to our group emails to send you information about our Holiday Clubs, booking forms once your child has turned 3. We will only use your data if you confirm that you are happy for us to do so in our Admissions Form. You will have the opportunity to unsubscribe from receiving such emails at any time by dropping us an email.

Who we share your data with?

In order to administer your membership, we work with outside agencies and local authorities.

This involves us sharing your data with the following categories of recipients:

- The Early Years and Intervention Team at Central Bedfordshire Council
- Early Years Advisory Team at Central Bedfordshire Council
- Early Years Support Team at Central Bedfordshire Council
- Outside Agencies such as Paediatricians, Audiology Team, Dieticians, Speech & Language Teams, Doctors
- Other settings

Before any sharing of information takes places, your written consent will have been obtained.

We will also share your data if:

- We are legally required to do so, for example, by a law enforcement agency or court;
- To enforce or apply the terms and conditions of your membership (as set out in our Parent's Guide);
- It is necessary to protect our rights, property or safety or to protect the rights, property or safety of others.



We will never share your data with any organization for use for their own purposes.

How do we protect your data?

We take the security of your personal data seriously. We have internal policies and strict controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed and to prevent unauthorized access.

We will only pass your personal data to a third-party partner if they have signed a contract that requires them to:

- Comply with the requirements of data protection laws;
- Only use the data for the purpose(s) for which it was supplied;
- Comply with a duty of confidentiality; and
- Implement appropriate technical and organizational measures to ensure the security of your data.

Why do we password protect some of the information you send to us via email?

A lot of the information we send out to you is done via email. You always have the option to return the completed forms via email or post. If you chose to email the completed forms back (which contain personal information about yourself, your partner or your child) we will ask you to password protect the documents to 'safeguard' the information. A password for you to use will be sent out to you with the forms/documents.

Where do we store your data?

All data you provide to us is stored on password protected computers and laptops. We also store data in paper files, in locked cabinets, in a locked office.

Our third-party partners will also store your data both electronically and in paper files and in accordance with the data protection legislation.

How long do we retain your data?

We retain your data for as long as you wish your child to attend our setting, remain on our waiting list, is old enough to attend our Holiday Club (end of Year 4) or as per any legal requirements.

Your rights with respect to your data

As a data subject, you have several rights. You can:



- Request to access, amend or correct the personal data we hold about you and your child;
- Request that we delete or stop processing your personal data, for example where the data is no longer necessary for the purposes of processing; and
 - Request that we transfer your personal data to another person.

If you wish to exercise any of these rights at any time, please contact the Manager or Administration Manager at enquiries@ladybirdpre-school.org.uk or on 01525 406703.

How to ask questions about this notice

If you have any questions, comments or concerns about any aspect of this notice or how we handle your data please contact our Manager or Administration Manager at enquiries@ladybirdpre-school.org.uk or on 01525 406703.

Complaints

Complaints will be dealt with in accordance with the Pre-School's Complaints Procedure, which is available from the setting (Squirrel Room). Should the complainant wish to take the matter further, it may be referred to the Information Commissioner at www.ico.gov.uk.

What happens if the data is breached?

In the event of accidental loss, destruction or sharing (give unauthorized access) personal data, it is the setting's responsibility to report this 'breach' of the regulations to the Information Commissioners Office (ICO) of which we are a member.

Changes to this notice

We keep this notice under regular review. Any changes to this notice will be emailed out to you as part of a group email.

Further privacy information

For details of our full Data Protection Policy please contact our Manager at enquiries@ladybirdpre-school.org.uk or on 01525 406703.

February 2018