

# Ditton Church Pre-School



## General Data Protection Regulation Policy

### Introduction

General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) is the law that protects personal privacy and upholds individuals' rights. It applies to everyone who handles or has access to people's personal data.

GDPR states that personal data should be 'processed fairly and lawfully', 'collected for specified, explicit and legitimate purposes' and that the individual's data is not processed without their 'explicit consent' or one of the other lawful bases specified by GDPR. Ditton Church Pre-School is committed to protecting the rights and freedom of individuals with respect to the processing of children's, parents, visitors and staff personal data. This policy explains what personal data we collect, why we collect it, how we use it and how we protect it.

### GDPR includes 7 rights for individuals

#### **1. The right to be informed**

Ditton Church Pre-School is a registered childcare provider with Ofsted and as such, is required to collect and manage certain data.

**Parents:** We need to know the parents' names, home address, telephone numbers, email address, emergency contact details and family details. For funding claims, we will also collect your date of birth, National Insurance number and if you are self-employed, your Unique Taxpayer Reference (UTR). We may also collect information regarding benefits and family credits that you are in receipt of. For

parents claiming the free childcare entitlement, we are requested to provide this data to Kent County Council; the information is sent to them using a secure, electronic file transfer system.

**Children:** We need to know children's full name, date of birth (for which we will need to see an original birth certificate), home address, health and medical needs, development needs, special educational needs, child protection plans from social services (if applicable), health care plans from health professionals (if applicable), details of who has parental responsibility for the child and any court orders pertaining to the child (if applicable).

**Visitors:** We are required to collect certain details of visitors to our Pre-School. This can include full name, telephone numbers and company name (if applicable). This is in respect of our Health and Safety and Safeguarding policies.

**Staff:** As an employer, Ditton Church Pre-School is required to hold data on its employees. This includes full name, home address, telephone numbers, date of birth, medical information, bank details, emergency contact details, National Insurance numbers and photographic identification such as a passport or driving licence. This information is also required for the Disclosure and Barring Service checks (DBS) that are carried out and to check proof of eligibility to work in the United Kingdom. Some of this data may be processed by third parties to facilitate payroll (i.e Sage) or for training requirements. Information would always be sent via a secure file transfer system.

## **2. The right to access**

At any point, an individual can make a request relating to their data. Ditton Church Pre-school will need to provide a response to any requests, within 1 month. Data provided under such a Subject Access Request (SAR) may be redacted if it includes information relating to other people.

## **3. The right to erasure**

You have the right to request deletion of your data, where there is no compelling reason for its continued use. However, Ditton Church Pre-School has a legal duty to retain children and parent's details for specific periods. Registers and accident and injury records must be kept for 25 years. Staff records must be kept for 6 years after the employment ceases.

Ditton Church Pre-School can refuse a request, if there is a lawful obligation to retain the data i.e. from Ofsted, in relation to the EYFS. We will always inform the individual of the reasons for rejection. The individual has the right to complain to the ICO (information Commissioners Office) if they are unhappy with the decision.

All of the data that we retain is archived securely, in a locked cupboard at Pre-School or on secure computers. It is shredded or deleted after the legal retention period.

#### **4. The right to restrict processing**

Parents, visitors and staff can object to Ditton Church Pre-School processing their data. This means that records can be stored, but must not be used in any way.

#### **5. The right to share data**

Ditton Church Pre-School requires some data to be shared with a third party, such as; the Local Authority, Disclosure and Barring Service and Payroll. These recipients use secure, file transfer systems and have their own policies and procedures in place, in relation to GDPR.

When a child leaves Pre-School, sometimes information is shared with a new setting or school. Only relevant information is shared and written permission is always sought from the data owner (parent/carer) before information is passed on. This information could include information relating to child protection and education.

This right, also known as data portability, states that the data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit this data to another controller without hinderance from the controller to which the personal data has been provided.

#### **6. The right to object**

Parents, visitors and staff can object to their data being used for certain activities, such as; marketing or research.

#### **7. The right to not be subject to automated decision-making, including profiling**

Ditton Church Pre-School does not use personal data for such purposes.

#### **Storage and use of personal information**

- All paper copies of children and staff records are kept securely in a locked cupboard at the Pre-School. The managers and administrator have access to all records and staff and management committee have limited access, on a need-to-know basis.
- Learning Journeys are kept in the setting. Staff are given time in session to work on these books.
- Records held on the computer are kept in a secure two factor password protected Google Drive which has restricted access.

- In order to fulfil their role, to supervise and support the operations of Pre-School, the chairperson, Treasurer and Secretary and other nominated members of the Pre-School Management Committee may also deal with confidential information, including but not limited to names and addresses of parents.
- All information held, both paper and digital records will be kept confidential within the management committee and staff. In the event of there being any wrongful disclosures of confidential information, it will be investigated immediately.
- Some information regarding children and parents needs to be shared with other professionals in the care of the children e.g. speech and language therapists or SEND advisory teachers, in which case parental permission is sought.
- In the instance of a child leaving Ditton Church Pre-School and moving on to school or a new setting, data held on the child may be shared with the receiving school/setting. In the case of transition to school, the transition documents completed by staff are shared with the school teachers and handed directly to them. Parents are asked for permission to share across settings.
- It is the parent's responsibility to ensure that the information given to us in the registration and enrolment paperwork is correct and kept up to date.

**We collect personal data about you and your child for the following reasons:**

- To verify your eligibility for Government funded childcare, as applicable
- To process your claim for Government funded childcare, as applicable
- So we are able to contact you in case of an emergency
- To carry out regular assessments of your child's progress and to identify any areas of concern
- To maintain contact with you and respond to any questions you may have
- To provide care and learning that is tailored to meet your child's individual needs
- To manage any special educational, health or medical needs whilst at our setting
- To keep you updated with information about our service

**In order for us to deliver childcare services, we will share your data as required, with the following:**

- Ofsted- during an inspection or following a complaint about our service
- The Local Authority, when a claim for up to 30 hours Government funded childcare is made
- The Governments eligibility checker (as above)
- Other early years settings your child may attend while with us
- The school that your child will be attending

Next date for review:	July 2025
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**We will also share data if:**

- We are legally required to do so, for example, by law or by a court
- We need to protect your child and other children, for example, by sharing information with Social Services or the Police
- It is necessary to protect our rights, property or safety

**GDPR means that Ditton Church Pre-School must:**

- Manage and process personal data properly
- Protect the individual's rights to privacy
- Provide individuals with access to all personal data that is held on them

If any person wishes to know what information we hold on them, they should speak to our Data Protection Officer.

Ditton Church Pre-School are committed to ensuring that any personal data we hold about you and your child is protected in accordance with Data Protection Laws and is used in line with your expectations. If you continue to have concerns about the way we handle your data and remain dissatisfied after speaking with us, you have the right to complain to the Information Commissioner Office (ICO).

**This policy was adopted by the:** Ditton Church Pre-School Management Committee

**Date:** July 2024

**Signed on behalf of the Management Committee:** .....

**Role of signatory:** Chair of Management Committee

**Next review date:** July 2025