

1.6 General Data Protection Policy



Policy Statement

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018. GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals' data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Tiddley Tots Nursery is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data. The Data Protection Act gives individuals the right to know what information is held about them and provides a framework to ensure that personal information is handled carefully.

Tiddley Tots Nursery Limited is registered with the ICO (Information Commissioners Office) under registration reference: ZA361718 and has been registered since 9th May 2018. Certificates are on display on the parent's information boards in the lobby area.

Definitions

"Personal data" is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier and can include pseudonymised data.

"Sensitive personal data" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion. It also includes genetic and biometric data (where used for ID purposes).

"Criminal offence data" is data which relates to an individual's criminal convictions and offences.

"Data processing" is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

The General Data Protection Regulation principles apply to all information held electronically or in structured paper files. The principles extend to educational records – the names of staff and children, dates of birth, addresses, national insurance numbers, medical information, SEN assessments and staff development reviews.

General Data Protection Regulation principles

To comply with the act, Tiddley Tots Nursery must observe the six 'General Data Protection Regulation principles', ensuring that:

1. Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.

In practice, GDPR means that Tiddley Tots Nursery must;

- have legitimate grounds for collecting and using the personal data;
- not use the data in ways that have unjustified adverse effects on the individuals concerned;
- be transparent about how they intend to use the data, and give individuals appropriate privacy notices when collecting their personal data;
- handle people's personal data only in ways they would reasonably expect; and
- make sure they do not do anything unlawful with the data;

Types of data held

Tiddley Tots Nursery is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data.

Specifically, we need to hold the following types of data of our children and their parents/carers:

- Parents' personal details such as name, address, telephone numbers, email addresses, signatures;
- Parents' work place and hours of work, work phone numbers, occupation;
- Parents' National Insurance Number and date of birth when they are claiming for up to 30 hours free childcare;
- Parents' bank/ building society name, bank card number and expiry date;
- Emergency contacts in case that we cannot contact the parents of a child in case of emergencies. This includes emergency contacts' name, phone number and relationship to the child;
- Children's personal details such as name, address, date of birth.
- Children's doctor's name and phone number;
- Children's health visitor's name and phone number;
- Children's first language, religion and ethnic origin;
- Children's vaccinations and illnesses (if any);
- Collection password;
- Any special equipment or Access needed;
- Any special care, allergy, medical or dietary information that the staff will need to be aware of;
- Any other agencies involved with the child;
- We also need a copy of the child's Birth Certificate as proof of birth and a copy of the Immunisation page of the child's Personal Health Record (also known as the PCHR or "red book").

This information will be collected from you directly in the registration form.

GDPR individual's rights

1. The right to be informed

Tiddley Tots Nursery is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's' full names, addresses, date of birth and collect copy of Birth Certificate as a proof of birth. For parents claiming the free nursery entitlement we are required to provide your and your child's personal data to Hertfordshire Council. This information is sent to the Local Authority via a secure, password protected electronic file transfer system.

We are required to collect certain details of visitors at our nursery. We need to know visitors' names, telephone numbers, and addresses and the appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

2. The right of access:

At any point an individual can make a request relating to their data and Tiddley Tots Nursery will provide a response (within 1 month). We can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision.

3. The right of rectification:

At any point an individual can make a request to Tiddley Tots Nursery to have their personal data rectified. An individual can rectify their personal data if it is inaccurate or incomplete. Tiddley Tots Nursery must rectify any inaccurate personal data that relates to the individual without undue delay, and in any event within one month. This must be done when it either the inaccuracy becomes apparent, or if an individual request it.

4. The right to erasure/to be forgotten:

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, Tiddley Tots Nursery has a legal duty to keep children's and parent's details for a reasonable time*. We retain these records for up to 3 years after your child no longer uses our setting, or until our next Ofsted inspection after your child leaves our setting. Medication records and accident records are kept for longer according to legal requirements - **30 years for medical records** and **21 years, 3 months for accident records** and until the child reaches **24 years for Child Protection records**. Your child's learning and development records are maintained by us and handed to you when your child leaves. This data is archived securely offsite and shredded after the legal retention period.

5. The right to restrict processing:

Parents, visitors and staff can object to Tiddley Tots Nursery processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

6. The right to data portability:

Tiddley Tots Nursery requires data to be transferred from one IT system to another; such as from Tiddley Tots Nursery to the Local Authority, to shared settings and to EyLog Online Learning Journal. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

7. The right to object

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

The right not to be subject to automated decision-making including profiling. ***Tiddley Tots Nursery does not use personal data for such purposes.***

Storage and use of personal information

All paper copies of children's and parent's records are kept in our locked office in a locked filing cabinet. Members of staff can have access to files such as emergency contacts, accident forms, existing injury forms, medication forms, ongoing medication forms, outing forms, but not to files regarding individual children such as registration forms, birth certificate, and any other documents containing personal data of a child. Only the Directors, Managers and the Secretary of the nursery are authorised to access this information and after the retention period these records are shredded.

Information about individual children is used in certain documents, such as, weekly registers, medication forms, existing injury forms, accident forms, sleeping chart, our class birthday chart, Show and Tell posters, Key Worker List/Board, Group Progress List, One to One Forms, Meeting Minutes, Outing Forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes may include an address with the consent from parents. These records are shredded after the relevant retention period.

Information regarding families' involvement with other agencies is stored both electronically on an external hard drive and in paper format; this information is kept in our locked office in a locked filing cabinet. These records are shredded after the relevant retention period.

Upon a child leaving Tiddley Tots Nursery and moving on to school or other settings, data held on the child may be shared with the receiving school or nursery. Such information will be sent via a secure file transfer system. For children attending school outside Hertfordshire Council the parent/carer will be given the data to deliver to the receiving school.

Tiddley Tots Nursery stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has been obtained via the Registration form. No names are stored with images in photo albums, displays, on our website or on our private Facebook page.

Access to all Office computers and EyLog Online Learning Journal is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy. Any portable data storage used to store personal data, e.g. USB memory stick are password protected and/or stored in a locked filing cabinet.

Lawful Bases of Processing

We acknowledge that processing may only be carried out where a lawful basis for that processing exists and we have assigned a lawful basis against each processing activity.

Where no other lawful basis applies, we may seek to rely on the parents' consent in order to process data.

However, we recognise the high standard attached to its use. We understand that consent must be freely given, specific, informed and unambiguous. Where consent is to be sought, we will do so on a specific and individual basis where appropriate. Parents will be given clear instructions on the desired processing activity, informed of the consequences of their consent and of their clear right to withdraw consent at any time.

**Please see Tiddley Tots Nursery Privacy Notice for more information on how we process your data.*

Data Security

All Tiddley Tots Nursery Staff are aware of their roles and responsibilities when their role involves the processing of data. All employees are instructed to store files or written information of a confidential nature in a secure manner so that they are only accessed by people who have a need and right to access them and to ensure that screen locks are implemented on all PCs and tablets, when unattended. No files or written information of a confidential nature are to be left where they can be read by unauthorised people.

Where data is computerised, it should be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Employees must always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them.

Data Breach

All data breaches will be recorded on our Data Breach Register. Where legally required, we will report a breach to the Information Commissioner within 72 hours of discovery. In addition, where legally required, we will inform the individual whose data was subject to breach.

Data Protection Compliance

Our appointed compliance officer in respect of our data protection activities is:

Teodora Pyrzyna

Company Secretary

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Last reviewed May 2020