

**Data Protection Policy**

**General Data Protection Regulation Policy**

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 came into effect on 25th May 2018.

GDPR states that personal data should be “processed fairly and lawfully” and “collected for specific, 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. Newdigate Pre-school is committed to protecting the rights and freedoms of individuals with respect to the processing of children’s, parent’s, visitor’s and staff’s personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Newdigate Pre-school is registered with the ICO (Information Commissioners Office) under registration reference 29911518 and has been registered since 24/05/2007. Certificates are displayed on the display outside the front door.

**GDPR includes seven rights for individuals:**

1. **The right to be informed**

Newdigate Pre-school is a registered childcare provider with Ofsted and is required to collect and manage sensitive 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 birth certificate or passport numbers. For parents claiming the free nursery entitlement we are requested to provide data to Surrey County Council. This information is sent to the Local Authority via a secure electronic file system.

We are required to collect certain details of visitors to our setting. We need to know visitor’s names and company names and where appropriate telephone numbers and addresses. This is in respect of our Health and Safety and Safeguarding policies.

As an employer, Newdigate Pre-school is required to hold data on its employees’ names, address, email address, telephone numbers, date of birth, National Insurance numbers, bank details and to see photographic ID such as a passport. This information is also required for Disclosure and Barring service checks (DBS.) Proof of eligibility to work in the UK may also be required.

1. **The right of access**

At any point an individual can make a request relating to their data and Newdigate Pre-school will need to provide a response within one month. Newdigate Pre-school can refuse a request if we have a lawful obligation to retain data e.g. from Ofsted in relation to the EYFS. However, 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.

1. **The right to erasure**

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, Newdigate Pre-school has a legal duty to keep children’s and parent’s details for a reasonable time. Newdigate Pre-school will retain these records for 3 years after the child leaves the setting. Children’s accident records will be kept for 21 years and 3month. Child Protection records will be kept for 21 years and 3 months. Staff records must be kept for 6 years after the member of staff leaves their employment before they can be erased. This data is archived securely and shredded after the legal retention period.

1. **The right to restrict processing**

Parents, visitors and staff can object to Newdigate Pre-school processing their data. This means that records can be stored but must not be used in any way such as for reports or communications.

1. **The right to data portability**

Newdigate Pre-school requires data to be transferred from one IT system to another such as from the setting to the Local Authority, other settings (with parent consent) and to Famly online journals. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

1. **The right to object**

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

1. **The right not to be subject to automated decision-making including profiling**

Automated decisions and profiling are used for marketing-based organisations. Newdigate pre-school does not use personal data for such purposes.

**Storage and use of personal information**

All paper copies of children, staff and parent records are kept in a locked filing cupboard. Only the Manager, Deputy Manager and Headteacher have access to these files. Information taken from the files about individuals is confidential. These records remain onsite at all times and are shredded after the legal retention period.

Information about individual children is used in certain documents such as the daily register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children’s names, date of birth and sometimes address. Again, these records are shredded after the legal retention period.

Newdigate Pre-school collects a large amount of personal data every year including names and addresses of those on the waiting list. These records are shredded if the child does not attend the setting or added to the child’s file and stored appropriately for 3 years.

Information regarding families’ involvement with other agencies is stored both electronically and in paper format. This information is kept in a locked cupboard with only the Manager, Deputy Manager and Headteacher having access to it. These records are shredded after the legal retention period.

Upon a child leaving the setting the data held on the child may be shared with a receiving school or other setting. Such information will be either emailed or sent via post.

Whilst a child is at Newdigate Pre-school we may not store personal data held visually in photographs or video clips unless written consent has been provided by the parent. This data is deleted once the child leaves the setting. Parental consent is obtained gaining permission for any photograph of individual children in group play to be included in other children’s learning journals.

Access to all setting computers, Ipads and Famly online journals is password protected. When a member of staff leaves the setting the passwords are changed in line with our E-safety policy. Any portable data storage used to store personal data such as Onedrive storage accounts are also password protected and stored in a locked cupboard.

**GDPR means Newdigate pre-school must:**

* Manage and process personal data appropriately
* Protect the individual’s right to privacy
* Provide an individual with access to all personal information held on them

Our Data Protection Officers are Joanne Johnson and Tammi Stanford.