



TIGGERS

Preschool Balcombe

General Data Protection Regulation (GDPR) Policy

Policy Statement

In 2018, General Data Protection Regulation (GDPR) replaced the previous Data Protection Directives that were in place covering personal data relating to individuals. 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. Tiggers Preschool is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents', visitors' and staff personal data.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Tiggers Preschool must comply with the GDPR principles, which state that personal data must be:

- Obtained and processed fairly and lawfully
- Obtained for a specific and lawful purpose and not processed in a manner incompatible with the purpose; adequate, relevant and not excessive for the purpose;
- Accurate and kept up to date
- Not kept longer than is necessary;
- Processed in accordance with the data subjects rights;
- Kept safe from unauthorised access, accidental loss, or destruction;
- Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

Procedures

The Data Controller and the designated Data Controllers

Tiggers Preschool as a registered charity is the Data Controller under the Act and the organisation is therefore ultimately responsible; however, Designated Data Controllers will deal with day to day matters. Tiggers Preschool Data Controllers are:

Clare Clarke-Jones – Supervisor

Vikki Maynard – Deputy

The Tiggers Preschool's Management Committee

Personal Information

Personal Information is defined as any details relating to a living, identifiable individual. Within Tiggers Preschool this relates to employees, attending families, professional visitors and some members of the public such as job applicants and visitors. Tiggers Preschool ensures that the information gained from each individual is kept securely and to the appropriate level of confidentiality.

Personal information collected from individuals could include:

- Their name
- Address
- Email address
- Telephone numbers – including those of emergency contacts
- Date of birth
- Medical information
- National Insurance details
- DBS numbers
- Observations of children's progress (Learning Journals)
- Children's reports, from preschools and outside professionals
- Photographs
- Family medical history when necessary

Tiggers Preschool stores personal information to comply with the statutory framework (EYFS) to deliver services to our families. We are required to collect certain details of visitors, such as visitors' names, telephone numbers, addresses and, where appropriate, company name. This is in order to comply with our Health and Safety and Safeguarding Policies.

As an employer, Tiggers Preschool is required to hold data on its employees, including names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK.

Collecting Information

Tiggers Preschool will only collect data if we have a lawful reason and will do it in a fair and transparent way. Whenever personal information is collected, the individual should be informed why the information is being collected, who will be able to access it and to what purpose it will be put. The individual concerned must agree that he or she understands and gives permission for the declared processing to take place, or must be necessary for the legitimate business of the preschool.

Sensitive Information

Sensitive information is defined by the Act as that relating to ethnicity, political opinions, religious beliefs, trade union memberships, physical or mental health, sex life, criminal proceedings or convictions. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

Processing of Personal Information

All staff and volunteers who process or use any personal information are responsible for ensuring that:

- Any personal Information that they hold is kept securely.
- Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked file cabinet in a locked cupboard in Tiggers Preschool. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from children's Learning Journals (please see parental consent form), these records remain on site at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as a weekly 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. These records are shredded after the relevant retention period.

Tiggers Preschool 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, or added to the child's file and stored appropriately.

Information regarding families' involvement with other agencies is stored in paper format and kept in a locked filing cabinet. These records are shredded after the relevant retention period.

Upon a child leaving Tiggers Preschool and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be personally taken by a member of staff or the parent/carer will be given the data to deliver to the receiving school.

Access to all computers used by staff are 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.

Tiggers Preschool is obligated to notify the Information Commissioner's Office (ICO) of a data breach within 72 hours of becoming aware of the breach.

Conversations and Meetings

Information of a personal or confidential nature should not be discussed in a public area, in front of anyone that is not an employee of the preschool. Preschool employees should be aware of confidentiality at all times when discussions are taking place, either distancing themselves from the conversation if it does not concern them or ensuring that their discussion is not over heard by others. All staff should respect the confidential nature of any information inadvertently overheard.

When meetings are being recorded it is important that only relevant information is written down. Written notes are to be stored in the locked cupboard and disposed of (shredded) according to relevant retention periods for records (see attached information for retention periods).

Duty to Disclose Information

There is a legal duty to disclose certain information, such as information about child abuse, which will be disclosed to social services; or drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.

Disposal of Confidential Material

Sensitive material should be shredded as soon as it is no longer needed; following retention guidelines and statutory requirements (see attached retention periods).

Particular care should be taken to delete information from the tablets or laptops if they are to be disposed of.

Retention of Data

Tiggers Preschool takes care to only store and retain personal information that is absolutely necessary for as long as is necessary, according to retention periods that are either recommended or statutory. Stored information is filed in boxes and locked in a cupboard in the preschool. Once the retention period has lapsed, the information is destroyed by means of shredding.

For retention periods please see below (The right to erasure).

The right of access

At any point an individual can make a request relating to their data and Tiggers Preschool will need to provide a response (within one month). Tiggers Preschool 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. The ICO can be contacted via their website, <https://ico.org.uk/> or by phone: 0303 123 1113.

The right to erasure

Individuals have the right to request the deletion of their personal data where there is no compelling reason for its continued use; however, Tiggers Preschool has a legal duty to keep children's and parents' details for a reasonable time. Tiggers Preschool retains most records for three years after leaving the setting. Children's accident and injury records are retained for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for six years after the member of leaves employment, before they can be erased. This data is archived securely on site and shredded after the legal retention period.

The right to object

Parents, visitors and staff can object to their data being used for certain activities, such as marketing or research. (Please refer to our Parent consent form in 'the Welcome Pack' and Staff consent form in the staff handbook.)

The right to restrict processing

Parents, visitors and staff can object to Tiggers Preschool processing their data. This means that records can be stored but must not be used in any way e.g. for reports or for communications.

The right to data portability

Tiggers Preschool requires data to be transferred from one IT system to another; such as from Tiggers Preschool to West Sussex Funding. These recipients are vetted by Tiggers Preschool and use secure file transfer systems. They have their own policies and procedures in place in relation to GDPR.