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**Beaumont Community Preschool & Childcare Groups**

**Data Protection Policy**

***Policy Statement***

General Data Protection Regulation replaces the previous Data Protection Act 1998, 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. Beaumont Community Preschool & Childcare Groups is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, trustees, visitors and staff personal data.

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

The six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects of no longer than is necessary for the purposes for which the data is processed.

**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. It can also include pseudonymised data.

**“Special categories of personal data”-** is data which relates to an individual’s health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. 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.

***Procedures***

We may have to collect and use information about people with whom we work.  This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means.

We regard the lawful and correct treatment of personal information as very important to our successful operation and to maintaining confidence between us and those with whom we carry out business.  We will ensure that we treat personal information lawfully and correctly.

Processed in a way that ensures appropriate security of the personal data including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures

To this end we fully endorse and adhere to the principles of the General Data Protection Regulation (GDPR).

This policy applies to the processing of personal data in manual and electronic records kept by us in connection with our human resources function as described below. It also covers our response to any data breach and other rights under the GDPR.

This policy applies to the personal data of job applicants, existing and former employees, apprentices, volunteers, placement students, workers and self-employed contractors. These are referred to in this policy as relevant individuals.

Beaumont Community Preschool & Childcare Groups is registered with the ICO (Information Commissioners Office) under registration reference: **ZA427378**

Beaumont Community Preschool & Childcare Groups staff and volunteers who process or use any Personal Information ensure that they follow these principles at all times.

We at Beaumont Community Preschool & Childcare Groups have a designated data protection lead maintaining data compliance.

**Nicole Breakwell**

Any member of staff, parent, trustee or volunteer, who considers that this policy has not been followed in respect of personal data about him/herself, should raise the matter with the designated lead initially. If the matter is not resolved it should be raised as a formal grievance.

Staff, trustees and volunteers should note that unauthorised disclosure of information or breach of confidentiality will usually be a disciplinary matter and may be considered gross misconduct in some cases. (See confidentiality policy and information sharing)

GDPR includes 7 rights for individuals

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

Beaumont Community Preschool & Childcare Groups 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 have evidenced seeing identification of a child i.e. birth certificate. For parents claiming the free nursery entitlement we are requested to provide this data to Hampshire County Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to our pre-schools. We need to know visits names, telephone numbers, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies. As an employer Beaumont Community Preschool & Childcare Groups is required to hold data on its employees; 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. This information is sent via a secure file transfer system for the processing of DBS checks.

***2) The right of access***

Beaumont Community Preschool & Childcare Groups is a registered charity, charity number 1050749

At any point an individual can make a request relating to their data, will need to provide a response (within 1 month). Beaumont Community Preschool & Childcare Groups 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. (Please see Confidentiality and Client Access to Records Policy)

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, Beaumont Community Preschool & Childcare Groups has a legal duty to keep children’s and parents details for a reasonable time, Beaumont Community Preschool & Childcare Groups retain these records for 3 years after leaving pre-school, children’s accident and injury records 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 6 years after the member of leaves 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 Beaumont Community Preschool & Childcare Groups processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

1. ***The right to data portability***

Beaumont Community Preschool & Childcare Groups requires data to be transferred from one IT system to another; such as from Beaumont Community Preschool & Childcare Groups to the Local Authority, to shared settings and to Tapestry' Online Learning Journal. 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, trustees, visitors and staff 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. Beaumont Community Preschool & Childcare Groups does not use personal data for such purposes

***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 pre-school.

Pre-School employees should be aware of confidentiality at all times when discussions are taking place, either distancing themselves from the conversation, if it doesn’t concern them, or, ensuring that their discussion is not overheard 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. This must be carried out using the correct forms provided by the preschool, notes must be written legibly and coherently. The written notes are then to be stored in a locked cupboard and shredded in a timely manner once the child/family have left the setting in line with retention periods.

***Duty to Disclose Information***

There is a legal duty to disclose certain information, namely, information about: Child abuse, which will be disclosed to children’s social care, or drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police

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

* All paper copies of children's and staff records are kept in a locked office
* Members of staff can have access to these files, with management consent, but information taken from the files about individual children is confidential, these records remain on site at all times.
* 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.
* Beaumont Community Preschool & Childcare Groups collects 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.
* Any Information regarding families’ involvement with other agencies in paper format, this information is kept in a locked office/cabinet. These records are shredded after the relevant retention period.
* Upon a child leaving Beaumont Community Preschool & Childcare Groups and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent securely via recorded/signed for postal service or via a secure file transfer system, or the parent/carer will be given the data to deliver to the receiving school.
* Beaumont Community Preschool & Childcare Groups stores personal data held visually in photographs or video clips or as sound recordings, unless no written consent has been obtained. No names are stored with images in photo albums, on the website or on our settings social media sites.
* Access to all Office computers and Tapestry Online Learning Journal is password protected. When a member of staff leaves the setting where necessary these passwords are changed and their access to Tapestry will be revoked immediately and their details deleted from the system in line with this policy and our Safeguarding policy.

***Requirements to notify breaches***

* The GDPR introduces a duty on all organisations to report certain types of personal data breach to the ICO. This is within 72 hours of becoming aware of the breach, where feasible.
* If the breach is likely to result in a high risk of adversely affecting individuals’ rights and freedoms, we will inform those individuals without undue delay.
* We ensure there is a robust breach detection, investigation and internal reporting procedures in place. This will facilitate decision-making about whether or not it is required to notify the relevant supervisory authority and the affected individuals.
* A record of any personal data breaches, regardless of whether they are required to be notify are kept

**Legal framework**

* Human Rights Act 1998
* General Data Protection Regulations 2018

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| This policy was adopted at a meeting of | Beaumont Community Preschool & Childcare Groups |  |
| Held on |  |  |
| Date to be reviewed |  |  |
| Signed on behalf of the committee |  | |
| Name of signatory |  | |
| Role of signatory (e.g. chair/owner) |  | |