

General Data Protection Regulation (GDPR) Compliance Policy

General Data Protection Regulation (GDPR) became law on 25 May 2018.

It covers the management and control of personal information. This legislation determines how people's personal data is processed, stored and the legal rights individuals have about their own data.

At Bright Sojourner Nursey, we comply with the GDPR. It is legal that we collect personal information about the children who attend as well as staff and parents / carers. We ensure that all data of children, parents and staff collected is kept securely save. We are registered with the Information Commissions Office (ICO) and Ofsted.

GDPR consolidates the Date Protection Principles into 8 areas which are referred to as the Privacy Principles. They are:

- ❖ You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
- ❖ You must only use the data for the reason it is initially obtained.
- ❖ You must not collect any more data than is necessary.
- ❖ It must be accurate and there must be mechanisms in place to keep it up to date.
- ❖ You cannot keep it any longer than needed.
- ❖ You must protect the personal data.
- ❖ You must have appropriate measures against unauthorised or unlawful processing or personal data and against accidental loss or destruction/damage to personal Data.
- ❖ Personal Data shall not be transferred to any outside agency or country within the EU that does not comply with the new General data protection regulations.

The GDPR provides the following rights for individuals:

- ❖ The right to be informed.
- ❖ The right of access.
- ❖ The right to rectification.
- ❖ The right to erase.
- ❖ The right to restrict processing.
- ❖ The right to data portability.
- ❖ The right to object.
- ❖ Rights in relation to automated decision-making and profiling.

There are two main roles under the GDPR: the data controller and the data processor. As a childcare provider, we are the data controller. The data is our data that we have collected about the children and their families. We have contracts with other companies to process data, which makes them the data processor. The two roles have some differences but the principles of GDPR apply to both. We have a responsibility to ensure that other companies we work with are also GDPR compliant.

Lawful basis for processing personal data

We must have a lawful basis for processing all personal data within our organisation and this is recorded on our Information audit for all the different information we collect.

The six reasons as follows:

- (a) Consent: the individual has given us consent to process their personal data for a specific purpose.
- (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before consenting to a contract.
- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests: the processing is necessary to protect someone's life.
- (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

We are registered with the Information Commissioners Office (ICO)

The nursery named Data protection officer is **Itunu Ajeigbe**
She ensures all members of staff comply with the law.

Main duties are:

- Ensure that the provision is compliant with GDPR.
- Audit all personal data held.
- Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.
- Undertake investigations when there is a breach of personal data and report to the Information Commissions Office, ICO.
- Keep up to date with the legislation

All staff and volunteers have undertaken training in the GDPR and are aware of their responsibilities in collecting, using, and sharing information.

We have a process in place to record data breaches. A form is use for reporting breaches to the ICO and any investigations.

For all the data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage. Some data we collect, for example, photographs, requires parents to give consent for us to do so. Where this is the case, parents will be required to sign a consent form to 'opt in' and are made aware that they have the right to withdraw their consent at any time.

We may also be required to collect data as part of parent's contract with the setting or local authority, for example, for us to claim government funding.

The following procedures apply to information held about children.

- ❖ A child's educational records will be disclosed to their parents or carer on submission of a written request. Requests will only be refused if it shows the requester does not understand what they are asking for, or if disclosure is likely to cause them or anyone else serious physical or mental harm.
- ❖ A child's educational records will be made available without charge during parent progress meetings and or within 15 days of receipt of the written request. If a copy of the information is requested, a charge may be made but will not exceed the cost of supply.
- ❖ When a child moves to a new school, a Transition Report of the child will be sent to the new school where necessary and if requested.
- ❖ Children's records will be stored securely. Paper files locked in cabinets in the office. Computers within the provision are kept secured with appropriate software to ensure maximum protection and software is regularly updated.
- ❖ Information that is shared is done securely using secure email systems or password protection of the document.

The following procedures apply to information held about staff.

- ❖ A copy of their personal data is sent to each member of staff at the start of employment and updated yearly. This applies to all data, whether held on computer or as hard copy.
- ❖ Members of staff are required to read this information carefully and inform the Manager at the earliest opportunity if they believe that anything is inaccurate or untrue, or if they are dissatisfied with the information in any way.
- ❖ Requests for additional access must be sent to the Manager. Each request will be judged considering the nature of the information in question and the frequency with which it is updated. The member of staff will then be informed whether the request is granted. In the event of a disagreement, the matter will be taken up under the formal grievance procedure.
- ❖ If a request for additional access is granted, the information will be provided within 15 days of the date it was requested. A fee will not be charged to gain access to the data.
- ❖ However, we can charge a "reasonable fee" if a request is manifestly unfounded or excessive, particularly if it is repetitive. We may also charge a reasonable fee to comply with requests for further copies of the same information.

The following procedures apply to any third parties that we are contracted with.

- ❖ We have documents from each contractor confirming their compliance with GDPR (E.g., Accountant, and government agencies)
- ❖ We have agreed safe sharing of information.
- ❖ Confidentiality agreements are in place.

Data retention

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see a copy of the Retention periods for records.

Security

We keep data about all individuals secure and aim to protect data against unauthorised change, damage, loss or theft. All data collected is only accessed by authorised individuals. All paper forms are kept locked away and all computers and tablets are password protected.

Privacy notices

All parents and staff are provided with privacy notices which inform them of our procedures around how and why we collect data, information sharing, security, data retention, access to their records and our commitment to compliance with the GDPR act 2018.

Legal framework

The General Data Protection Regulation (2018)
Human Rights Act 1998
Early Years Foundation Stage 2017

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>October 2021</i>		October 2022