General Data Protection Regulation 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. Portreath Pre-school is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, committee, visitors and staff 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.

Portreath Pre-school is registered with the ICO (Information Commissioners Office) under registration reference: ZA085093and has been registered since 17th November 2014. The certificate is on display on the parent’s information board in the Pre-school building.

**GDPR includes 7 rights for individuals**

1)The right to be informed

Portreath Pre-school 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 Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Cornwall 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 visitors names and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies. As an employer Portreath Pre-school is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, health declaration form, 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 to Cornwall Council for the processing of DBS checks.

As a charity and committee run Pre-school we are required to collect certain details of our committee. These are full names, addresses, telephone numbers, email addresses, dob, DBS certificate number and EY2 confirmation letters from Ofsted.

2) The right of access

At any point an individual can make a request relating to their data and Portreath Pre-school will need to provide a response (within 1 month). Portreath Pre-school 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 to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However Portreath Pre-school has a legal duty to keep children’s and parents details for a reasonable time\*, Portreath Preschool 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 onsite and shredded after the legal retention period.

4) The right to restrict processing

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

5) The right to data portability

Portreath Pre-school requires data to be transferred from one IT system to another; such as from Portreath Pre-school to the Local Authority, to shared settings, other professionals (e.g. SALT, local area SENCO) and the pre-school accountant. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

6) The right to object

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

7) The right not to be subject to automated decision-making including profiling.

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

**Storage and use of personal information**

All paper copies of children's and staff records are kept in a locked cupboard and/or locked filing cabinet in Portreath Pre-school. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from archiving, 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.

Portreath 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 or added to the child’s file and stored appropriately.

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 a locked filing cabinet in a locked cupboard in the Pre-school. These records are shredded after the relevant retention period.

Upon a child leaving Portreath Pre-school 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 via the post service, given to the parent to give to the new setting or delivered by hand by the Play leader.

Portreath Pre-school stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has been obtained. No names are stored with images in photo albums, displays, on the website or on Portreath Pre-school’s social media sites.

Access to all Portreath Pre-school computers is password protected. 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.

**Shared Building Procedures**

Portreath Pre-school operates from a shared community building which, at times, may be used by other local groups in the community (outside the pre-school open hours). We therefore operate a ‘clear room’ procedure where all information which relates to the children in our care is removed from walls, noticeboards, desktops etc. at the end of every day and locked away in a cupboard in the pre-school building. This also includes the pre-school mobile phone and camera.

**GDPR** *means that Portreath Pre-school must; \* Manage and process personal data properly \*Protect the individual’s rights to privacy \* Provide an individual with access to all personal information held on them.*

This Policy was adapted at a meeting at Portreath Pre-school on 15.05.2018

Signed on behalf of Portreath Pre-school committee

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Policy review date: Last reviewed 30.03.2022.

\*Please see attached Preschool Learning Alliance Retention periods for records.