



## **Little Fishes Policy on General Data Protection Regulation (GDPR)**

### **Statement**

The General Data Protection Regulation (GDPR) 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 covers personal data relating to individuals. It 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. Processing amounts to collecting, using, disclosing, retaining or disposing of information.

Little Fishes Nursery School is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data. GDPR means that Little Fishes Nursery 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

Little Fishes Nursery school is registered with the ICO (Information Commissioners Office) under registration reference: A8260908 and has been registered since 20<sup>th</sup> March 2018. Certificates are on display on the parent's information boards.

Little Fishes Nursery School as a nominated individual, Emily Scotcher, Administration Assistant, as the Data Protection Controller.

### **GDPR includes 8 rights for individuals:**

#### 1) The right to be informed

Little Fishes Nursery 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 Hampshire County Council; this information is sent to the Local Authority via a secure online portal.

We are required to collect certain details of visitors to our nursery school. We need to know visitors names and where appropriate company name. This is in respect of our Safeguarding Policies.

As an employer Little Fishes Nursery School 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 on-line portal to Access Personal Checking Services Ltd for the processing of DBS checks.

Little Fishes Nursery School uses Cookies on its website to collect traffic data. This data is anonymous.

## 2) The right of access

At any point an individual can make a subject access request (SAR) relating to their data and Little Fishes Nursery School will need to provide a response within 1 calendar month. Little Fishes Nursery 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 rectification

At any point an individual can make a request, verbally or in writing, to have any inaccurate personal data rectified or completed if it is incomplete. Little Fishes Nursery School will need to provide a response within 1 calendar month. Little Fishes Nursery School will review the proposed information and have the right to refuse a request if we are satisfied that the original data was accurate. The individual will have the right to complain to the ICO if they are not happy with the decision.

## 4) The right to erasure

An individual has the right to request the deletion of their data where there is no compelling reason for its continued use. However, Little Fishes Nursery School has a legal duty to keep children's and parents' details for a reasonable time\*. We retain these records for 3 years after the child leaves nursery school. Children's accident and injury records are retained for 21 years and 3 months. Staff records are kept for 7 years after the member of staff leaves employment. This data is archived securely on site and shredded after the legal retention period. There is a full Risk Assessment in place for transportation and storage. A copy of this Risk Assessment can be provided upon request.

## 5) The right to restrict processing

Parents, visitors and staff can object to Little Fishes Nursery 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.

\* Base on the Preschool Learning Alliance Retention periods for records – available on request

#### 6) The right to data portability

Little Fishes Nursery School requires data to be transferred from one IT system to another; such as from Little Fishes Nursery School to the Local Authority, to shared settings and to Tapestry Online Learning Journal. We use the recipients secure online portal or password protected documents sent via email. Occasionally data is transferred via the postal system. All recipients have their own policies and procedures in place in relation to GDPR.

#### 7) The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research. Little Fishes Nursery School use opt-in boxes on our registration forms when a child starts at the nursery school. We then reaffirm them annually in September.

#### 8) The right not to be subject to automated decision-making including profiling

Automated decisions and profiling are used for marketing based organisations. Little Fishes Nursery 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 locked filing cabinets in the nursery school office. 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.

Access to all office computers and Tapestry Online Learning Journal is password protected. Data processed digitally is deleted once the child has left the setting or archived on an external hard drive and then deleted after the relevant retention period. When a member of staff leaves the company these passwords are changed. Dropbox is used wherever possible to share data. Any portable data storage used e.g. USB memory stick, are password protected and/or stored in a locked filing cabinet.

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.

Little Fishes Nursery School collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded / deleted 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 locked filing cabinets in the nursery school office. These records are shredded after the relevant retention period.

Upon a child leaving Little Fishes Nursery School, either 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 royal mail post or given directly to the school.

Little Fishes Nursery School stores personal data held visually in photographs, video clips or as sound recordings. No names are stored with images in photo albums. Images may be used on internal displays. If consent has been obtained via the registration form, they are also used on the Little Fishes Nursery School web site and Facebook page and for publicity. All files are deleted once the child has left the setting.

At Little Fishes we recognise that parents have a right to know the information they share will be regarded as confidential. However, we are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest.

That is when:

- it is to prevent a crime from being committed or intervene when one may have been or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

### **Data Breach**

In the event of a personal data breach, the Data Protection Controller should be notified immediately and an investigation carried out.

The ICO can be contacted via :-

[www.ico.org.uk](http://www.ico.org.uk)

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire, SK9 5AF

Tel: 0303 123 1113