

## Data Protection Policy

On 25th May 2018, the General Data Protection Regulation (GDPR) became law. The new Regulation replaced the Data Protection Act 1998 (DPA).

Little Oaks Pre-School needs to keep and process certain information about its employees, children within its setting, and others, to allow it to comply with its data protection obligations and to operate in an effective and efficient manner.

### Scope of Policy

This policy applies to the personal data of job applicants, employees, workers, contractors, volunteers, interns, apprentices, former employees, clients, potential clients, and any other personal data processed for business purposes.

### Definitions

**"Personal data"** is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

**"Special categories of personal data"** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation, and genetic and biometric data.

**"Criminal records data"** means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

**"Data subject"** means "an individual who is the subject of personal data". A data subject must be a living individual.

### Key Principles

The organisation tells individuals the reasons for processing their personal data, how it uses such data, the legal basis for processing, and any requirement for them to share data with a third party, in its privacy notices. It will not process personal data of individuals for other reasons.

Little Oaks Pre-School is committed to the protection of all personal data, special category data and criminal records data, and the handling of such data, in line with the privacy principles as follows:

1. We must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. We must only use the data for the reason it is initially obtained.
3. We must not collect any more data than is necessary.
4. It has to be accurate and there must be mechanisms in place to keep it up to date.

5. We cannot keep it any longer than needed.

6. We must protect the personal data.

These privacy principles are supported by our accountability.

Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

The member of staff responsible for data protection is the Office Administrator, Hannah Freeman.

The pre-school is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them.

The requirements of this policy are mandatory for all staff employed by the pre-school and any third party contracted to provide services within the pre-school.

### **Fair Processing / Privacy Notice**

We shall be transparent about the intended processing of data and communicate these intentions via privacy notices to staff, parents, volunteers and any other individual (as detailed within the 'scope of policy' section above) prior to the processing of individual's data.

The intention to share data relating to individuals to an organisation outside of our pre-school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with third parties only in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them.

Personal data gathered during the employment, worker, contractor, volunteer relationship, or apprenticeship or internship is held in the individual's personnel file, (in hard copy and electronic format on an administrative drive which is password protected). The periods for which we hold personal data are contained in its privacy notices to individuals.

The organisation keeps a record of its processing activities in respect of personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

### **Individual Rights**

As a data subject, individuals have a number of rights in relation to their personal data.

#### Data Access Requests (Subject Access Requests):

All individuals whose data is held by us, have a legal right to request access to such data or information about what is held. We shall respond to such requests within 40 days and they should be made in writing to: Office Administrator, The Bungalow, Manor Road, Brackley, Northants NN13 6EE.

#### Other Rights

Individuals have a number of other rights in relation to their personal data and can require us to:

- update personal data promptly if an individual advises that their information has changed or is inaccurate;

- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override our legitimate grounds for processing data (where we rely on its legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override the organisation's legitimate grounds for processing data.

### **Data Security**

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and these organisations shall provide evidence of the competence in the security of shared data.

### **Consent**

Consent has to be a positive indication of agreement to personal data being processed - it will not be inferred from silence, pre-ticked boxes or inactivity.

Images of staff and children may be captured at appropriate times and as part of educational activities for use in the pre-school only and parents will have the option to give their consent for such photographs to be taken.

Unless prior consent from parents/staff has been given, the pre-school shall not utilise such images for publication or communication to external sources.

It is the pre-school's policy that external parties (including parents) may not capture images of staff or children without prior consent.

### **Data Disposal**

The pre-school recognises that the disposal of redundant data is an integral element to compliance with legal requirements.

All data shall be destroyed or eradicated when there is no longer a need to retain it or at the request of the data subject (the individual).

### **Notification of a breach**

Little Oaks Pre School is under an obligation to maintain a breach register where all data breaches, no matter how trivial, are recorded and monitored.

For serious data breaches, where the breach is likely to result in a 'risk to the rights and freedoms of individuals' (i.e. where the individual is likely to suffer some form of damage, such as through identity theft or a confidentiality breach), the breach must be reported to the Information Commissioner's Office within 72 hours of becoming aware of the breach.

Where there is a high 'risk to the rights and freedoms of individuals' as a result of the breach, the data subject must also be notified of the breach without undue delay.

**Associated Documents**

See also:

- Confidentiality Policy
- Information Sharing Policy
- Complaints Policy
- Privacy Notices

This policy was adopted at a committee meeting of Little Oaks held on.....

Signed on behalf of the committee.....

Role of Signatory.....

Reviewed Feb 19. Updates March 2020 (use of 'third party' and where data is kept on admin drive).