



# Little Monkeys Day Nursery & Pre School

## Data Protection Policy

### **Statement of Intent**

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.

Little Monkeys Day Nursery and Pre-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. 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.

Little Monkeys Day Nursery and Pre-School is registered with the ICO (Information Commissioners Office)

### **General Data Protection Regulation principles**

To comply with the act, Little Monkeys must observe the eight 'General Data Protection Regulation principles', ensuring that:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

GDPR means that Little Monkeys 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

## **GDPR includes 7 rights for individuals**

### 1) The right to be informed

Little Monkeys 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 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 Little Monkeys 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 to UKCRBs for the processing of DBS checks.

Little Monkeys uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

### 2) The right of access

At any point an individual can make a request relating to their data and Little Monkeys will need to provide a response (within 1 month). Little Monkeys 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 Little Monkeys has a legal duty to keep children's and parents' details for a reasonable time.

\* Little Monkeys 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 offsite and shredded after the legal retention period.

#### 4) The right to restrict processing

Parents, visitors and staff can object to Little Monkeys 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

Little Monkeys requires data to be transferred from one IT system to another; such as from Little Monkeys 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.

#### 6) The right to object

Parents, 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. Little Monkeys does not use personal data for such purposes.

### **Lawful basis for processing personal data**

We at Little Monkeys must have a lawful basis for processing all personal data within our organisation and this is recorded on our Information Asset Register for all the different information we collect. The six reasons are set out in Article 6 of the GDPR act.

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

All paper copies of children's and staff records are kept in a locked filing cupboard. 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.

Upon a child leaving Little Monkeys and moving on to school or moving settings, data held on the child may be shared with the receiving school.

Little Monkeys 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 Little Monkeys' social media site.

Access to all Office computers and Tapestry Online Learning Journal is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy.

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.

All parents/carers should note that in an event of a safeguarding concern then information about children and their families may be shared with relevant agencies without consent of the parent/carer as supported in the Safeguarding policy

The member of staff responsible for ensuring that the setting is compliant is . Their main duties are:

- ensuring that the provision is compliant with GDPR
- to audit all personal data held
- establishing an Information Asset Register and maintaining it
- ensuring all staff are aware of their responsibilities under the law
- undertaking investigations and reporting to the ICO when there is a breach of personal data
- keeping up to date with the legislation

Policy created May 2018

Signed on behalf of the nursery by Laura Fradsham

Policy review date May 2019