



## Data Protection Policy

### Statement of Intent

West Byfleet Nursery Ltd is required to collect personal information for its employees, directors, parents, and children. It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies. We intend to meet all the requirements of the Data Protection Act 1998 (the Act) and the General Data Protection Regulations 2018 (GDPR) when collecting, storing, and destroying personal data.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

To do this, West Byfleet Nursery Ltd must comply with the Data Protection Principles as set out in Article 5 of the GDPR:

These require that personal data shall be:

- a) *processed lawfully, fairly and in a transparent manner in relation to individuals.*
- b) *collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.*
- c) *adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.*
- d) *accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased, or rectified without delay.*
- e) *kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- f) *processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.*

Article 5(2) requires that:

*“the controller shall be responsible for, and be able to demonstrate, compliance with the principles”.*

All West Byfleet Nursery Ltd staff and volunteers who process or use any personal information must ensure that they follow these principles at all times. To ensure that this happens, West Byfleet Nursery Ltd has adopted this Data Protection Policy.

### Individual Rights

The GDPR provides the following rights for individuals:

1. *The right to be informed.*
2. *The right of access.*

3. *The right to rectification.*
4. *The right to erasure.*
5. *The right to restrict processing.*
6. *The right to data portability.*
7. *The right to object.*
8. *Rights in relation to automated decision making and profiling.*

This policy aims to detail what West Byfleet Nursery is doing to comply with its GDPR obligations.

### **The Data Controller and the Data Protection Lead**

West Byfleet Nursery Ltd is registered as the Data Controller under the Act, and the organisation is therefore ultimately responsible for implementation. However, the Data Protection Lead will deal with day-to-day matters. West Byfleet Nursery Ltd's Data Protection Lead is:

Jen Fribbens - Business Manager

### **Personal Information**

Personal Information is defined as any details relating to a living, identifiable individual. Within West Byfleet Nursery Ltd this relates to employees; attending children and their families; directors; professional visitors; all emergency contacts; and some members of the public e.g., job applicants or prospective families. We will ensure that the information gained from each individual is kept securely and to the appropriate level of confidentiality.

The personal information collected from individuals could include:

- Name
- Address
- Email address
- Telephone numbers - including those of emergency contacts.
- Date of birth
- Medical information
- National Insurance number
- DBS numbers
- Observations of children's progress (learning journals)
- Children's reports from a preschool or outside professional.
- Photographs
- Family medical history, when necessary
- Bank details

West Byfleet Nursery Ltd processes, stores and shares personal information to comply with the Early Years Statutory Framework (EYFS 2017) and Local Authority (Surrey County Council), HMRC, Ofsted and DfE statutory requirements and employment legislation; to deliver childcare services in accordance with our contract with parents/carers to our families; and to employ suitable people for our setting. This is detailed in our three Privacy Notices for Children and Parents, Workforce and Job Applicants.

West Byfleet Nursery has completed a data audit which will be reviewed and updated annually, or whenever significant changes are made to our data collection processes or relevant legislation.

## **Processing of Personal Information**

All members of the workforce who have access to personal information take part in regular training sessions on their role in ensuring the settings compliance with GDPR and the importance of keeping this data secure. Those who process or use any personal information are responsible for ensuring that:

- Any personal information which we hold is kept securely.
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Staff and volunteers are aware that any unauthorised disclosure would constitute a data breach which would be a disciplinary matter and may be considered gross misconduct in some cases.

All personal information must be:

- kept in a locked filing cabinet or cupboard; or
- if it is computerised, be password protected (with passwords changed on a regular basis) or
- kept on an encrypted storage device which is kept securely, particularly if taken off site.
- regularly backed up to a secure storage device

## **Clear screen policy**

West Byfleet Nursery staff and volunteers must comply with our Clear Desk and Clear Screen Policy in the following ways:

- Staff must return all sensitive documents or electronic media to cabinets when not in use or if a desk is unattended for an extended period - e.g., for meetings, lunch times, or overnight.
- Staff must close applications and shutdown all laptops and tablets at the end of the day.
- Laptops should be configured so that the laptop enters sleep mode when the lid is closed. When the user returns to their computer, they will need to enter the laptop's password to unlock it. Users must close their laptop whenever they need to leave it unattended.
- In an emergency when staff and volunteers need to leave the office quickly, they must close their laptop, to prevent unauthorised personnel accessing their device.
- Staff should be aware of the positioning of their screen so that sensitive information cannot be read by others.
- Staff should be aware of inadvertently disclosing door codes or leaving security keys unattended.
- Staff must take care when opening emails and attachments or visiting new websites to reduce the risk of virus attacks.

## **How to gain access to personal information we hold about you and keep it up to date.**

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all your personal information (Subject Access Request), please email or write to us at the following address.

Jen Fribbens  
West Byfleet Nursery Ltd  
Camphill Road  
West Byfleet  
Surrey  
KT14 6EF

We will respond to all Subject Access Requests within 30 days.

We want to make sure that your personal information is accurate and up to date, please ask us to correct or remove information you think is inaccurate.

You also have the 'right to be forgotten' so you can ask us to remove all data we hold on you which we will do unless the law requires us to do otherwise.

Please contact us if you have any questions about this privacy policy or information, we hold about you.

### **Collecting Information**

We collect and use your information on the following bases:

**Contract:** Processing is necessary to allow us to provide you with early education and childcare for your child in line with the statutory requirements of the Early Years Foundation Stage (2017) in accordance with our contract with you.

**Consent:** You have given us clear consent to process your personal data for a specific purpose.

**Special Category Data:** Special category data is defined as that relating to ethnicity, religious beliefs, physical or mental health. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law or to protect the vital interests of the person or a third party.

At West Byfleet Nursery processing of special category data is necessary for statutory data collection purposes: DfE Censuses, Local Authority for Government Funding, or Safeguarding (Working Together to Safeguard Children 2018) including Prevent Duty or SEND diagnosis or support.

### **Duty to Disclose Information**

We have a legal duty to disclose information regarding suspected abuse, or other factors of concern, where a child or adult may be at significant risk of harm. All disclosures will be made via the Surrey C-SPA (Children's Single Point of Access) 0300 470 9100

### **Retention of Data**

West Byfleet Nursery Ltd takes care to only store personal information that is absolutely necessary. Personal information is kept for the period of time stated, following guidelines from the Early Years Alliance, these retention periods are either recommended or statutory.

Stored information is filed in sealed boxes in locked filing cabinets or cupboards or on encrypted and password protected digital storage devices.

Once the retention period has lapsed, the information is destroyed or deleted.

For retention periods please see the attached table.

### **Disposal of Confidential Material**

All personal information will be shredded or deleted once the retention period ends, following our retention guidelines and statutory requirements. Particular care will be taken to delete information from the tablets or computer hard drives if they are to be disposed of.

All sensitive documents will be securely shredded using a GDPR compliant shredder, for bulk processing an independent secure shredding company will be used, and a certificate of destruction obtained.

### **Staff Responsibilities**

All staff are responsible for checking that any information they provide to West Byfleet Nursery Ltd in connection with their employment is accurate and up to date. Staff have the right to access any personal data that is being kept about them, either on computer or in manual filing systems. Staff should be aware of and follow this policy and seek further guidance where necessary.

### **Conversations and Meetings**

Information of a personal or confidential nature must not be discussed in a public area, in front of anyone that is not an employee of the Nursery. Nursery employees must be aware of confidentiality at all times when discussions are taking place, either distancing themselves from the conversation if it does not

concern them, or, ensuring that their discussion is not overheard by others. All staff must respect the confidential nature of any information inadvertently overheard.

When meetings are being recorded it is important that only relevant information is written down. This must be carried out using the correct forms provided by the Nursery, notes must be written legibly and coherently. The written notes must then be stored in a locked cupboard and securely disposed of, in accordance with our data retention procedures once the data subject has left the setting.

### **Data Breaches**

Any data breach will be fully investigated and reported to the ICO within 72 hours. Procedures will be reviewed and improved to ensure that data security is maintained in the future.

### **Confidentiality**

Confidentiality is a priority at West Byfleet Nursery, and we take protecting all personal data very seriously. This policy should be read in conjunction with our Confidentiality, Safeguarding and Information Sharing policies, together with our Privacy Notices for Parents/Carers & Children, the Workforce and Job Applicants.

Our workforce has a robust induction which includes reading and agreeing to all the above policies, in addition they must adhere to our Code of Conduct as a condition of employment.

Signed: Ruth Claydon

Date: 12th February 2021

Review: February 2022