



## **General Data Protection Regulation Policy**

### **Statement**

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection regulations 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. The Orchard Nursery 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.

The Orchard Nursery is registered with the ICO (Information Commissioners Office). Certificates are on display in the main entrance.

Our Data protection coordinator is – Carol Bailey.

The Data protection controller with overall responsibility is – Plymouth CAST

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

#### **1) The right to be informed**

The Orchard Nursery 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 nursery funding entitlement we are requested to provide this data to Bournemouth Early Years; 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 nursery. We need to know visitors Names and company name. This is in respect of our Health and Safety and Safeguarding Policies. As an employer Plymouth CAST c/a The Orchard Nursery 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 Devon County Council for the processing of DBS checks. Any staff information is kept securely in a locked office in a locked filing cabinet.

#### **2) The right of access**

The Orchard Nursery is part of Plymouth CAST Academy based at The Edmund Rice Building, St Boniface College, 21 Boniface Lane, Manadon Park, Plymouth, Devon PL5 3AG. Tel: 01752 686710. The Orchard Nursery is based at Durdells Avenue, Kinson, Bournemouth, Dorset BH11 9EH. Tel 01202 582228.

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

Please see our retention period sheet attached.

#### 4) The right to restrict processing

Parents, visitors and staff can object to The Orchard Nursery 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

The Orchard Nursery requires data to be transferred from one IT system to another; such as from The Orchard Nursery to the Local Authority, and to eyLog 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. A consent form will be distributed for permissions when the child first starts at the nursery.

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

Automated decisions and profiling are used for marketing based organisations. The Orchard Nursery 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 office in a lockable filing cabinet.
- Members of staff can have access to children's data through our electronic online learning journey system – eyLog. Each staff member has their own secure password and the tablets are locked when not in use.
- Any paper 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 kept securely and shredded after the relevant retention period.
- The Orchard Nursery collects a large amount of personal data every year including; names and telephone numbers 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 and in paper format; this information is kept in a locked office and in a locked filing cabinet, or on a computer which is password protected. These records are shredded after the relevant retention period.
- The windows security lock should be set to active when there is no activity or unattended.
- All staff will be aware of personal data and confidential related paperwork should be tidied away or securely stored away when not in use. Eg speech and language paperwork.
- We operate a clear desk policy at the end of the working day. A lockable cabinet will be provided to store work in progress overnight.
- Upon a child leaving The Orchard Nursery and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be hand delivered during the transfer meetings or sent recorded delivery.
- When a child transfers from one setting to school or another setting and is on a child protection plan, their child protection record should be forwarded to the new setting without delay. Copies will be kept securely at the nursery until the child reaches 24 years. The Orchard Nursery will then request a letter signed by the school stating the information has been transferred.
- The Orchard Nursery requests permissions for photographs for displaying in the nursery, promotional materials, nursery website, Facebook and media, as well as various other activities within the nursery. The permissions are recorded on the registration form completed before the child starts.
- The Orchard Nursery also requests consent for photo/videos on eyLog which is also recorded on the registration form.
- Access to all Office computers and eyLog Online Learning Journal 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.
- The Orchard Nursery takes care to only store personal information that is absolutely necessary. Personal information is kept for the period of time requested following guidelines from the ICO, these retention periods are either recommended or statutory. Stored information is filed in filing boxes and stored appropriately. Once the retention period has lapsed, the information is shredded.

For retention periods please refer to the GDPR Retention sheet.

GDPR means that The Orchard Nursery 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

Signed on behalf of the nursery.....*Emma Middleton*.....Date:... August 2022