

DATA PROTECTION AND RECORD RETENTION POLICY

Statement of intent

Roundabout Pre-School takes the security and privacy of personal data seriously and intend to comply with our legal obligations under the **Data Protection Act 2018** (the '2018 Act') and the **EU General Data Protection Regulation** ('GDPR') in respect of data privacy and security. We need to gather and use information or 'data' as part of our activities and to manage our relationship with a number of data subjects whose data we process: children, parents, carers, current and former employees, volunteers and Committee members.

Methods

Roundabout Pre-School is a '**data controller**' for the purposes of personal data. This means that we determine the purpose and means of the processing of personal data. We will hold data in accordance with our Data Retention Policy. A copy of this can be obtained from the Pre-School or Office Manager. We will only hold data for as long as necessary for the purposes for which we collected it.

This policy explains how our pre-school will hold and process personal data. It explains the rights of data subjects. It also explains the obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, Roundabout Pre-School.

DATA PROTECTION PRINCIPLES

Personal data must be processed in accordance with six '**Data Protection Principles**.' It must:

- be processed fairly, lawfully and transparently;
- be collected and processed only for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed;
- be processed securely.

WHAT IS PERSONAL DATA?

'Personal data' means information which relates to a living person who can be **identified** from that data (a '**data subject**') on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or

others, in respect of that person. This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

SPECIAL CATEGORIES OF PERSONAL DATA

Sensitive data or 'Special categories of personal data' are types of personal data consisting of information in relation to:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- genetic or biometric data;
- health;
- sex life and sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

PROCESSING OF PERSONAL DATA

Roundabout Pre-School will process personal data (including special categories of personal data) in accordance with our obligations under the Data Protection Act 2018. We shall be transparent about the intended processing of data and communicate these intentions via notification to parents, carers, staff, volunteers and Committee members prior to the processing of individual's data.

There may be circumstances where the pre-school is required either by law or in the best interests of our children or staff to pass information onto external authorities, for example our local authority, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

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

We will only process special categories of personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have explicit consent. If we asked for consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Pre-School Manager.

We do not need consent to process special categories of personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims; and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

We do not take automated decisions about data subjects using personal data or use profiling.

Individual responsibilities

Individuals are responsible for helping to keep personal data up to date. Individuals must let Roundabout Pre-School know if data previously provided changes, for example if an individual moves house or changes their phone number. Roundabout Pre-school will update personal data promptly when are advised that information has changed or is inaccurate.

Some staff may have access to the personal data of other individuals [staff and children] in the course of their employment or placement. Where this is the case, we expect staff to help meet our data protection obligations.

Staff who have access to personal data are required:

- to process data only for the specified lawful purpose for which it was obtained;
- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.

Failing to observe these requirements may amount to a disciplinary offence. Significant or deliberate breaches of this policy, such as accessing employee or children data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

Security

Staff should use strong passwords and lock computer screens when not at their desk.

Personal data should be encrypted before being transferred electronically to authorised external contacts. Personal data must not be saved to personal computers or other devices. Drawers and filing cabinets which hold data must be locked and paper documents with personal data shall not be left out accessible to third parties. Personal data must not be taken away from the pre-school premises without authorisation from the Pre-School or Office Manager. Personal data should be shredded and disposed of securely. Personal data should never be transferred outside the European Economic Area except in compliance with the law.

Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against staff in accordance with our disciplinary procedure.

Photographs and Video

Images of staff and children may be captured at appropriate times and as part of educational activities for use in the pre-school only. Unless prior consent from parents, carers and staff has been given, we shall not utilise such images for publication or communication to external sources. It is the pre-school's policy that external parties (including parents and carers) may not capture images of staff or children during such activities without prior consent.

Subject Access Request (SAR)

All individuals whose data is held by Roundabout Pre-school, have a legal right to request access to such data or information about what is held. Any such request will normally be responded to within one month of the date the request was received. Requests should be made in writing to Maren Swift, Office Manager at roundaboutpreschool@yahoo.co.uk.

Data Breaches

If there has been a breach of personal or sensitive data that poses a risk to the rights and freedoms of individuals, we will report it to the Information Commissioner within 72 hours of discovery. We will record all data breaches regardless of their effect using the form at **Appendix C**. Staff must inform the Pre-School Manager and Office Manager of any breach as soon as possible, if necessary out of hours.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken as a result.

DATA SUBJECT RIGHTS

Data subjects have the right to information about what personal data we process, how and on what basis as set out in this policy.

They have the right to access their own personal data by way of a subject access request (see above).

They can correct any inaccuracies in their personal data. Please contact the Pre-School or Office Manager at roundaboutpreschool@yahoo.co.uk.

They have the right to request that we erase their personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact Pre-School or Office Manager at roundaboutpreschool@yahoo.co.uk.

They have the right to object to data processing where they are relying on a legitimate interest to do so and think that their rights and interests outweigh our own and they wish us to stop.

They have the right to object if we process personal data for the purposes of direct marketing.

They have the right to receive a copy of their personal data and to transfer their personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.

With some exceptions, they have the right not to be subjected to automated decision-making.

They have the right to be notified of a data security breach concerning their personal data.

In most situations we will not rely on consent as a lawful ground to process data. If we do however request a data subject's consent to the processing of personal data for a specific purpose, they have the right not to consent or to withdraw their consent later. To withdraw your consent, you should contact the Pre-School or Office Manager at roundaboutpreschool@yahoo.co.uk.

You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

RECORD RETENTION

We are required under legislation to keep certain records about children, parents and also staff members for a set amount of time. Below is a brief overview of the information we keep and for how long.

Children's records - A reasonable period of time after children have left the provision. Local Authority procedure states retention for 21 yrs and 3 months.

Records relating to individual children e.g. care plans, speech and language referral forms – We will pass these on to the child's next school or setting following

our Local Authority's protocols for transition and sharing of sensitive records. Local Authority procedure states retention for 21 yrs and 3 months.

Accidents and pre-existing injuries - If relevant to child protection we will keep these until the child reaches 25 years old.

Safeguarding Records and Cause for Concern forms – We will keep until the child reaches 25 years old.

Records of any reportable death, injury, disease or dangerous occurrence (for children) - As these incidents could result in potential negligence claims, or evolve into a more serious health condition, we keep records until the child reaches the age of 21 years and 3 months.

Records of any reportable death, injury, disease or dangerous occurrence (for staff) – 3 years

Observation, planning and assessment records of children - We keep our planning filed since the last inspection date so there is a paperwork trail if the inspector needs to see it. Information and assessments about individual children are either given to parents when the child leaves or to the next setting/school that the child moves to (with parents' permission).

Personnel files and training records (including disciplinary records and working time records) – 7 years