

General Data Protection Regulations 2018 (GDPR) Policy

As an Early Years Provider, it is necessary for us to collect personal information about the children who attend as well as staff and parents/carers.

First Steps Pre-School is registered with the Information Commissions Office, ICO, as a data controller under registration reference: Z3612969 and has been registered since March 2013. The certificate can be viewed on the notice board in the Sunflower Room.

GDPR principle

GDPR condenses the Data Protection Principles into 8 areas, which are referred to as the Privacy Principles. They are:

1. You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason it is initially obtained.
3. You must not collect any more data than is necessary.
4. It must be accurate and there must be mechanisms in place to keep it up to date.
5. You cannot keep it any longer than needed.
6. You must protect the personal data.
7. You must have appropriate measures against unauthorised or unlawful processing or personal data and against accidental loss or destruction/damage to personal Data.
8. Personal Data shall not be transferred to any outside agency or country within the EU that does not comply with the new General data protection regulations.

The GDPR provides the following rights for individuals:

- The right to be informed.
- The right of access.
- The right to rectification.
- The right to erase.
- The right to restrict processing.
- The right to data portability.
- The right to object.
- Rights in relation to automated decision-making and profiling.

Lawful basis for processing personal data

We must have a lawful basis for processing all personal data within our organisation and this is recorded on our Information Asset Register as follows:

- (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests: the processing is necessary to protect someone's life.
- (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

For the majority of data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage.

Some data we collect (for example photographs) requires parents to give consent for us to do so. Where this is the case, parents will be required to sign a consent form to 'opt in' and are made aware that they have the right to withdraw their consent at any time.

We may also be required to collect data as part of a parent's/carer's contract with the setting or local authority, for example, for us to claim government funding or completing Two Year Old Progress Checks. Upon a child leaving and moving on to school or moving settings, data held on the child is shared with the receiving school via a Transition Report (NCC Form). Parental consent is required to transfer the information.

We are required to collect certain details of visitors to our pre-schools. We need to know visitor names, and for regular visitors, telephone numbers, addresses and where appropriate company name. This is recorded in the Visitor Book.

As an employer First Steps Pre-School is required to hold data on its employees and regular volunteers/interns/student placements; names, addresses, email addresses, telephone numbers, date of birth, emergency contact details, National Insurance numbers (staff), photographic ID such as passport and driving licence, bank details (staff). This information is also required for Disclosure and Barring Service checks (DBS) (staff, volunteers and students) and proof of eligibility to work in the UK (staff). Personal Information and training records for staff are also stored on the Norfolk County Council secure online portal.

Payroll and Contracts of Employment are processed by a third party - Heather Nunn Business Services Ltd who will retain and process personal data in line with legal requirements.

First Steps Pre-school does not use share data with marketing organisations.

Data retention

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see Retention Periods.

Security

We keep data about all individuals secure and aim to protect data against unauthorised change, damage, loss or theft. All data collected is only accessed by authorised individuals. All paper forms are kept locked away and all computers are password protected.

Privacy notices

All parents and staff are provided with privacy notices which inform them of our procedures around how and why we collect data, information sharing, security, data retention, access to their records and our commitment to compliance with the GDPR act 2018.

Ensuring compliance

The member of staff responsible for ensuring that the setting is compliant is Becky Russell.

Their main duties are:

Ensure that the provision is compliant with GDPR.

Audit all personal data held.

Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.

Undertake investigations when there is a breach of personal data and report to the Information Commissions Office, ICO.

Keep up to date with the legislation.

Legal framework

The General Data Protection Regulation (2018)

Human Rights Act 1998

Linked Policies

Acceptable Use Policy

Social Media and Technology Policy

Retention Periods

Staff Records

Payroll Information	7 years
Employment Records	6 years after employment ends
DBS Records	6 months after which a record of DBS number, issue date
RIDDOR Reports	At least 3 years, up to 6 years
Accident Records	40 years

Children's Records

Accident Reports	until the child reached the age of 21
Medical Records	until the child reached the age of 21
Funding Forms	until the child reached the age of 21
Safeguarding Records	until the child reached the age of 21
Progress Records	Approx 2 years
Registration Forms	Approx 2 years
Parent and emergency contact details	Approx 2 years
RIDDOR Reports	At least 3 years, up to 6 years

Accounting Records

6 years

Minutes

6 years

Insurance Records

Permanently

Registers

21 years