OUGHTRINGTON PRESCHOOL Data protection Policy and Procedure

**Statement of intent**

It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality Pre-school care and education.

**Legal framework**

Human Rights Act 1998 with regard to protecting the individual’s right to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder.

Data Protection Act 1998 with regard to information we gather from or about families how we gather it, store it and use it. Our procedures enable us to meet these requirements. We have regard to the Common Law Duty of Confidentiality and only share information with other professionals or agencies on a “need to know” basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children.

We adhere to the eight principles by ensuring that personal data must:

1. Be processed fairly and lawfully.
2. Be obtained only for specific, lawful purposes
3. Be adequate, relevant and not excessive
4. Be accurate and kept up to date
5. Not be held for any longer than necessary
6. Processed in accordance with the rights of the data subjects
7. Be protected in appropriate ways
8. Not be transferred outside the European Economic Area (EEA), unless that country or territory also ensures an adequate level of protection.

Our named officer for Data Protection is **Claire Royle**

This policy will help to protect Oughtrington Preschool from security risks, including:

* Breaches of confidentiality
* Failing to offer choice
* Reputational damage

**Types of records:**

* Children’s profiles and registration details, including personal plans, funding applications and observations.
* Attendance details
* Accident / incident / behaviour / safeguarding records
* Parent declarations
* Electronic records : Children’s developmental tracking, Headcount – grant claims held electronically by Warrington Borough Council – FEYE department
* Employee details

**Procedures**

* Data will not be shared informally and the full identity of an individual will not be shared with outside agencies and personnel without the consent of our parents
* Information and training about statutory responsibilities connected with confidentiality, safeguarding and data protection procedures are delivered at induction and included in our staff handbook.
* Sensitive information, including names, addresses, date of birth, National Insurance Numbers will be securely stored.
* Access and storage to data is strictly for employees only.
* Data is regularly reviewed and updated; where information is no longer required it will be destroyed.
* Information that is stored electronically is protected by strong passwords, these passwords are regularly changed.
* The sharing of passwords is strictly prohibited.
* All servers and computers containing data are protected by approved security software and a firewall.
* Oughtrington Preschool will make provision for parents and staff to regularly update information.

All individuals who are the subject of personal data held by Oughtrington preschool are entitled to:

* Ask what information the organisation holds about them and their children and why.
* Ask how to gain access to it.
* Be informed how it is kept.

Requests should be made in writing. The named officer will always verify the identity and relationship to the child and have the agreement of the elected committee members before sharing any information.

**Personal Records**

• Parents have access to all written information about their child (except where data protection laws stipulate it is against the best interests of the child to do so).

• Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child’s needs.

• Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved in making personnel decisions.

Parents do not have access to information about any other child.

**Disclosing data for other reasons**

In certain circumstances, the Data Protection Act allows personal data to be disclosed to law enforcement agencies without consent. Under these circumstances Oughtrington Preschool will disclose information, where the request is legitimate.

**Information Sharing**

• There are times when we are required to share information about a child or their family. These are when: There are concerns a child may be suffering significant harm. The ‘reasonable cause to believe’ a child is or may be suffering significant harm is not clear. o There are concerns about ‘serious harm to adults’ (such as domestic violence or other matters concerning the welfare of parents).

• We explain to families about our duty to share information for the above reasons.

• Where we have concerns as above, we would normally gain consent from families to share. This does not have to be in writing, but we record in the child’s file that we have gained the verbal consent as a result of discussing a concern that we need to refer to a social care agency.

• We do not seek consent from parents to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example where we believe that a parent may try to cover up abuse, or threaten a child.

• Where evidence to support our concerns is not clear we may seek advice from Warrington MASH or Early years Advisory Team.

• We only share relevant information that is accurate, factual, non-judgemental and up to date, including progress tracking with Warrington Early Years Team. Information regarding this is sent to Parents at induction.

**Retaining records**

Certain records may have to be retained by the setting in accordance with the Data Protection Act 1998. For example, child accident records are retained for 21 years after the child has left the setting. Staff application forms and interview records are retained for 6 months (unsuccessful candidates) or 7 years after employment ends (successful candidates)

**Reporting data breaches**

Data controllers must notify a personal data breach to the supervisory authority ICO without undue delay and, where feasible, not later than 72 hours after becoming aware unless the breach "is unlikely to result in a risk to the rights and freedoms of natural persons".

GPDR breaches where the identity of a person/child has been shared without consent.

Privacy breaches relates to an unauthorised disclosure of sensitive or confidential data that has been shared with a third party.

Whilst data breaches can occur, we would emphasis these are unintentional and we appreciate that in such circumstances can cause distress and impact on the wellbeing of the individual.

In such cases, we notify the third party to delete the information, for the information to remain confidential and apologise for any error made.

We would ask any individual subject to privacy breaches to make an appointment to discuss the matter with the Supervisor / Management committee in order to find a reasonable and satisfactory outcome.

Please refer to our privacy notice – Appendix 1

**GDPR Includes 7 Rights for Individuals**

**1)**The Right to be Informed

This is in respect of our Health and Safety and Safeguarding Policies.

As an employer 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.

**2)** The Right of Access

an individual can make a request relating to their data and Oughtrington Pre-School will need to provide a response (within 1 month). we 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 Oughtrington Pre-School has a legal duty to keep children’s and parents details for a reasonable time\* 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 3 years after the member of leaves employment, before they can be erased.

**4)** The Right to Restrict Processing

Parents, visitors and staff can object to Oughtrington Pre-School 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

Pre-School requires data to be transferred from one IT system to another; such as from Oughtrington Pre-School to the Local Authority.   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. Oughtrington Pre-School does not use personal data for such purposes.

Policy drafted Jan 2018

Adopted Oct 2018

Updated Aug 2019, Reviewed 2021

Reviewed Sept 2021, Reviewed Sept 2022

Updated February 2023, Reviewed Sept 2023

Appendix 1

PRIVACY NOTICE

We are committed to ensuring that any personal data we hold about you and your child is protected in accordance with data protection laws and is used in line with your expectations.

This privacy notice explains what personal data we collect, why we collect it, how we use it and how we protect it. What personal data do we collect?

We collect personal data about you and your child to provide care and learning that is tailored to meet your child’s individual needs. We also collect information in order to verify your eligibility for funded childcare as applicable.

***Personal details that we collect about your child include:*** your child’s name, date of birth, address, contact numbers, ethnic origin, religion, first language, health and medical needs, development needs, and any special educational needs.

Where applicable we will obtain child protection plans from social care and health care plans from health professionals. We will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.

***Personal details that we collect about you include:*** your name, home and work address, phone numbers, email address, emergency contact details, and family details (including names of any siblings).

This information will be collected from you directly in the registration form***. If you apply for up to 30 hours funded childcare, we will also collect:*** your national insurance number or unique taxpayer reference (UTR), if you’re self-employed.

We may also collect information regarding benefits and family credits that you are in receipt of. Why we collect this information and the legal basis for handling your data

We use personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. ***This includes using your data to:***

▪ contact you in case of an emergency ▪ to support your child’s wellbeing and development

▪ to manage any special educational, health or medical needs of your child whilst at our setting

▪ to carry out regular assessment of your child’s progress and to identify any areas of concern

▪ to maintain contact with you about your child’s progress and respond to any questions you may have

▪ to process your claim for up to 30 hours funded childcare (only where applicable)

▪ to keep you updated with information about our service With your consent, we will also record your child’s activities for their individual learning record.

This may include photographs and videos. You will have the opportunity to withdraw your consent at any time, for images taken by confirming so in writing.

We have a legal obligation to process safeguarding related data about your child should we have concerns about their welfare. We also have a legal obligation to transfer records and certain information about your child to the school that your child will be attending.

***Who we share your data with In order for us to deliver childcare services we will also share your data as required with the following categories of recipients:***

▪ Ofsted – during an inspection or following a complaint about our service ▪ banking services to process chip and pin and/or direct debit payments (as applicable)

▪ The Local Authority (where you claim up to 30 hours funded childcare as applicable)

▪ The government’s eligibility checker (as above) ▪ the school that your child will be attending We will also share your data if:

▪ We are legally required to do so, for example, by law, by a court or the Charity Commission;

▪ To enforce or apply the terms and conditions of your contract with us; ▪ to protect your child and other children; for example, by sharing information with social care or the police;

▪ It is necessary to protect our/or others rights, property or safety

We will never share your data with any other organisation to use for their own purposes

***How do we protect your data?***

We protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed by:

• Keeping it in a secure, locked cupboard

.• Any data held on our pre-school computer is double password protected.

• Information shared with third parties (namely Warrington Borough Council) is sent securely following their (WBC) procedures via a secure data transfer portal.

***How long do we retain your data?***

We retain your child’s personal data for up to 3 years after your child no longer uses our setting, or until our next Ofsted inspection after your child leaves our setting.

Medication records and accident records are kept for longer according to legal requirements. Your child’s learning and development records are maintained by us and handed to you when your child leaves. In some instances (child protection, or other support service referrals) we are obliged to keep your data for longer if it is necessary to comply with legal requirements .

Automated decision-making We do not make any decisions about your child based soley on automated decision-making.

***Your rights with respect to your data***

You have the right to:

▪ Request access, amend or correct your/your child’s personal data

▪ Request that we delete or stop processing your/your child’s personal data, for example where the data is no longer necessary for the purposes of processing; and

▪ Request that we transfer your, and your child’s personal data to another person If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how we handle your data please contact s.

If you continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk/

Changes to this notice We keep this notice under regular review. You will be notified of any changes where appropriate