



1st Goostrey Scout Hut
220 Main Road
Goostrey
Cheshire CW4 8PE

Data Protection Policy

This policy was adopted by: Goostrey Pre-School	Date: 23 rd May 2018
To be reviewed: Jan 2019	Signed: A.L.Warren

Table of Contents

1. Aims.....	3
2. Legislation and guidance.....	3
3. Definitions.....	3
4. The Data Controller.....	3
5. Our Data Processors.....	3
6. Roles and responsibilities.....	4
6.1 Management Committee.....	4
6.2 Data Protection Officer	4
6.3 Pre-School Manager.....	4
6.4 Staff/Committee Members.....	4
7. Data protection principles	4
8. Collecting personal data	5
8.1 Lawfulness, fairness and transparency	5
8.2 Limitation, minimisation and accuracy	5
9. Sharing personal data	5
10. Subject access requests and other rights of individuals	6
10.1 Access to Personal Information	6
10.2 Responding to subject access requests	7
10.3 Other data protection rights of the individual.....	7
11. CCTV	8
12. Photographs and videos.....	8
13. Data protection by design and default	8
14. Data security and storage of records.....	9
15. Disposal of records.....	9
16. Personal data breaches.....	9
17. Training	10
18. Monitoring arrangements.....	10
19. Links with other policies/documentation	10

1. Aims

Our Pre-School aims to ensure that all personal data collected about staff, children, parents/carers, committee members, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

3. Definitions

Term	Definition
Personal Data	Any information relating to an identified, or identifiable, individual. This may include the individual's name, contact information, online usernames etc. It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special Categories of Personal Data	Personal data which is more sensitive and so needs more protection, including for example information about an individual's racial or ethnic origin, political opinions, health records and biometrics (such as fingerprints, retina and iris patterns)
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data Controller	A person or organisation that determines the purposes and the means of processing of personal data
Data Processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller
Personal Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The Data Controller

Our Pre-School processes personal data relating to parents/carers, children, staff, committee members, visitors and other individuals and therefore is classified as a data controller.

The Pre-School is a registered Charity/non-profit organisation therefore registration as a data controller with the ICO is not required. However, it is important that we adhere to the principles of the DPA.

5. Our Data Processors

Our Pre-School occasionally uses third party providers to perform data processing on our behalf. These include for example the Pre-school Learning Alliance (PLA) who process our Payroll, the

Foundation Stage Forum Ltd who host our online learning database (Tapestry) and Datamove who host our online Information Management system (Instant Nursery Manager).

In line with the GDPR, all data processors acting on our behalf must have a written contract which includes confirmation that they act in compliance with all principles of the DPA.

6. Roles and responsibilities

This policy applies to all staff employed by our Pre-School, committee members and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

6.1 Management Committee

The Management Committee has overall responsibility for ensuring that our Pre-School complies with all relevant data protection obligations.

6.2 Data Protection Officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable. They will keep the management committee updated and provide advice/guidance on data protection issues where necessary

The DPO is the first point of contact for any potential issues/concerns relating to Data protection and is also the primary contact for any communications with the ICO. Full details of the designated DPO and their responsibilities are set out in their job description which is maintained in the Pre-school personnel file and is available from the Pre-School manager on request.

6.3 Pre-School Manager

The Pre-School manager is the first point of contact for day to day data protection queries, requests and general communications. Dependent on the nature of the query/request the DPO may or may not be consulted.

6.4 Staff/Committee Members

Staff/Committee members are responsible for collecting, storing and processing any personal data in accordance with this policy. They should contact the DPO in the following circumstances:

- If they have any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
- If they have any concerns that this policy is not being followed
- If they are unsure whether they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights, or transfer personal data outside the European Economic Area
- If there has been, or they suspect there may have been, a data breach
- Where they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

7. Data protection principles

The GDPR is based on data protection principles. Data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes

- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the Pre-School aims to comply with these principles.

8. Collecting personal data

8.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law (only the 5 relevant to our Pre-School as we are not classified as a Public Authority are given below):

- The data needs to be processed so that the Pre-School can fulfil a contract with the individual, or the individual has asked the Pre-School to take specific steps before entering into a contract
- The data needs to be processed so that the Pre-School can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
- The data needs to be processed for the legitimate interests of the Pre-School or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a child) has freely given clear consent

Privacy notices will be maintained/communicated to ensure transparency. These will be available on the Preschool website and included in child/staff/committee member new starter induction packs. They will also be communicated to all parents/carers/staff/committee members if/when they are updated

8.2 Limitation, minimisation and accuracy

Access to personal data will be restricted to Staff/Committee members where it is necessary in order to do their jobs/roles.

We will only collect the minimum personal data required for specified, explicit and legitimate reasons. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary. Full details of what information we collect and for what purpose is available in the Pre-Schools 'Summary of Data Processing' available on the Pre-School website, a link to which is available in the links section at the end of this document

9. Sharing personal data

We will only share personal data for specified, explicit and legitimate reasons. Examples of why the data may be shared include:

- There is an issue with a child or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our Data Processors (suppliers or contractors who need data to enable us to provide services to our staff and children). When doing this, we will:

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
- Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our children or staff.

Full details of what information we may share, with whom and by what means is available in the Pre-Schools 'Summary of Data Processing' available on the Pre-School website, a link to which is available in the links section at the end of this document

10. Subject access requests and other rights of individuals

10.1 Access to Personal Information

Parents, or those with parental responsibility, have a legal right to free access to their child's developmental record (which includes most information about a pupil).

In addition to this, all individuals also have a right to make a 'subject access request' (SAR) to gain access to personal information that the Pre-School holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing to the Pre-School Manager and should include:

- Name of individual
- Correspondence address

- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the Pre-School Manager. Dependent on the nature of the access request the DPO may be consulted.

10.2 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond within 30 days of the day after receipt of the request
- Will provide the information free of charge (although in some instances administrative charges may apply, see below)

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the child or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs. A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

10.3 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of legitimate interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights in writing to the Pre-School Manager and should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the requested action

If staff receive a subject access request they must immediately forward it to the Pre-School Manager. Dependent on the nature of the access request the DCO may be consulted.

11. CCTV

Our Pre-School does not use/process CCTV images however the facility uses CCTV in external locations around the Pre-School site to ensure it remains safe. The facility owners adhere to the ICO's code of practice for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the Pre-School Manager

12. Photographs and videos

As part of our Pre-School activities, we may take photographs and record images of individuals within our Pre-School. Storage of these photos on Pre-School devices and as part of the Tapestry profile falls under the legitimate interest lawful basis.

For all other uses, we will obtain written consent from parents/carers for photographs and videos to be taken of their child. We will clearly explain how the photograph and/or video will be used

Uses may include:

- Within Pre-School on notice boards, Pre-School magazines, brochures, newsletters, etc.
- Outside of Pre-School by external agencies such as the Pre-School photographer, newspapers, campaigns
- Online on our Pre-School website or social media

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

13. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing the necessary personal data for each specific purpose and always in line with the data protection principles set out in the relevant data protection law

- Completing privacy impact assessments where the Pre-School's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents, policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters
- Conducting reviews to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities

14. Data security and storage of records

The Pre-School currently stores data both in paper and electronic formats. Whatever the medium we protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. The following steps are taken to ensure this:

- Paper-based records and portable electronic devices, such as laptops, tablets, USB sticks and hard drives that contain personal data are kept under lock and key when not in use
- Papers and/or devices containing confidential personal data must not be left unattended or left anywhere else where there is general access
- All devices and removable media, such as laptops, tablets and USB devices are encrypted/password protected.
- For purposes of transferring data, e.g. via email, all files are encrypted/password protected
- Where it is necessary to keep/take paper records and/or electronic files/devices offsite staff must request authorisation from the Pre-School Manager and sign it in and out. All staff will be responsible to ensure that they will never be left unlocked and/or unattended in a car, public place or place where they could easily be stolen.
- Staff/committee members who store personal information on their personal devices are expected to follow the same security procedures as for Pre-School-owned equipment
- Where we share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected

15. Disposal of records

Personal data will be stored only as long as deemed necessary. The Pre-School follows the retention periods advised by the Pre-School Learning Alliance. A copy of the 'Pre-School Alliance Retention Periods for Records' is available on the Pre-School website, a link to which is available in the links section at the end of this document

Personal data that is no longer needed will be disposed of securely. We will shred or incinerate paper-based records and overwrite or delete electronic files.

16. Personal data breaches

Examples of possible breaches in a Pre-School context may include, but are not limited to:

- Safeguarding information being made available to an unauthorised person
- The theft of a Pre-School laptop containing non-encrypted personal data about children

In the unlikely event of a suspected data breach, we will follow the procedure set out in the 'Personal Data Breach Procedure' which is available on the Pre-School website, a link to which is available in the links section at the end of this document

17. Training

All staff/committee members are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the Pre-School's processes make it necessary.

18. Monitoring arrangements

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our Pre-School's practice. Otherwise, or from then on, this policy will be reviewed annually in line with the other Pre-School policy revision cycle

19. Links with other policies/documentation

The principles defined in this data protection policy form the basis for all of our Pre-School policies which involve processing data.

This data protection policy should be used in conjunction with the relevant references/templates including:

- Summary of Data Processing
- Parent/Carer Privacy Notice
- Staff/Committee Privacy Notice
- Pre-School Alliance Retention Periods for Records
- Personal Data Breach Procedure

All of the current versions of these may be found in the downloads section of the Pre-School Website: <http://www.goostreypreschool.org.uk/downloads/>

Alternatively, they may be requested from the Pre-School Manager or DPO