



# **General Data Protection Regulation** **Privacy Policy**

## **Policy Statement**

This policy sets out the information that St Helen's Pre-School, New Costessey ("St Helen's") collects, stores and uses data, and how this can be accessed.

## **What personal data does St Helen's collect, and what is it used for?**

The data St Helen's collects includes Children's, Parents/Guardians, Employees and Committee Members names, addresses, contact numbers and email addresses. This information is collected directly from Parents/Guardians, Employees and Committee when they enrol their child or become an Employee or Committee Member at St Helen's.

During the course of a child's Pre-School education, St Helen's will record details on the child's progress and learning journey, hold details on any emotional, behavioural, physical or medical conditions along with any special needs or dietary requirements and notes concerning any safeguarding matters. This information will all be stored confidentially and securely on the child's file in a secure room. Children's and parent's information will also be retained on our secure password protected systems, Abacus and Footsteps. These systems are run by Parenta. A contract is in place and Parent's consent to this information being held on these systems is obtained when they enrol their child at St Helen's.

During the course of employment with St Helen's, notes on staff supervision, disciplinary or grievance matters will be retained on confidential personal files.

St Helen's collects bank details for all staff to enable payment of salaries. This information is confidentially stored electronically within our Online Banking system accessed only by the Treasurer who is a member of the Committee and the Chair of the Committee.

Employees names, addresses, NI numbers and bank details will also be shared with Anglia Farmers who are responsible for processing the payroll and administering the pension scheme on behalf of St Helen's. A contract is in place and employees consent to this information being shared is obtained when employment commences.

## **What is this personal data used for?**

Information is used for the purpose of communicating information to parents and staff, providing Pre-School education, recording and reporting progress, managing staff employment and payments.

## **Who is your data shared with?**

Child and parent information will be shared with the Key Person and other staff as necessary for the safe care and protection of children in our care. This data will be confidentially stored in the office.

Employees names, addresses and contact details will be held by the Manager, Chair and Treasurer to enable contact and the processing of salary payments and writing to staff from time to time as required.

Child and parent information may be shared with other agencies e.g. MASH or Norfolk County Council education in the case of additional funding for special needs. A contract with each agency is in place for such interactions.

## **Where does this data come from?**

Data comes directly from Parents and Employees when they register or are engaged, or when details are updated by individuals during the course of their enrolment or employment.

## **How is your data stored?**

Data is stored in confidential files in secure cabinets in the Managers office. Access to child and parent's information is limited to the manager, key person, administrator and other staff who may need to have access to information for the provision of safe and effective childcare. Employees data is limited to the Manager, Chair and Treasurer for the management of contracts, employment and performance and is stored electronically by way of password protected computer and documents or in confidential files in secure cabinets accessed only by the Senior Management Team.

## **Who is responsible for ensuring compliance with the relevant laws and regulations?**

Under GDPR we do not have a statutory requirement to appoint a Data Protection Officer. The person who is responsible for ensuring OTR discharges its obligations under GDPR is Teresa Squires.

## **Who has access to your data?**

The Manager, Key Person and other staff have access to child and parent data for the purposes of providing childcare.

The Manager has access to Employees files for the purpose of contract, employment and performance management.

The Committee Chair and Treasurer have access to Employees details as required for managing contracts, employment and performance.

## **What is the legal basis for collecting this data?**

St Helen's collects personal data necessary for the purposes of its legitimate interests as a Childcare provider.

Regarding financial data, the basis of collecting and retaining information is to comply with our legal obligations.

## **How you can check what data we have about you?**

If you would like to see the personal data we hold about you, you should contact our Manager at the Pre-School. Upon receipt of a written request, and proof of identification (if required) the requested information will be provided within one month at no charge.

Parents who consider there is an inaccuracy in the records may ask for this to be corrected with the agreement of the manager. If there is disagreement about what would be a correct record, a record of the objections will be included in the notes.

## **Does St Helen's collect any Sensitive Personal Data (Sensitive Data)?**

Some information held by the Pre-School will be regarded as sensitive personal data or sensitive data under GDPR. The use of sensitive data requires Parents explicit consent. Parents are required to actively state they are agreeing to a record being kept and used in the knowledge of the purposes for which the record is being made, how it will be used and any limitations on confidentiality.

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing and the new Data Protection Bill sets out specific conditions providing lawful authority for processing it which mean that this type of data is dealt with in a very similar way to the special categories of data outlined below:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

## **Children's Personal Data**

GDPR contains provisions intended to enhance the protection of children's personal data. As St Helen's provides childcare we have written this policy in a clear way that we believe a young person can understand.

## **Processing Personal Data**

As well as consent, there are lawful grounds for processing personal data. These are:

- processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- processing is necessary for compliance with a legal obligation
- processing is necessary to protect the vital interests of a data subject or another person
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

The manager will obtain the consent of a parent as required, to process personal data in this way, but there may be occasions (for example to prevent harm to the client or someone else) when one of the above grounds will be required.

All personal data in our possession will be:

- Processed fairly and lawfully
- Obtained only for one or more specified and lawful purposes and shall not be processed in any manner incompatible with that purpose or those purposes
- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Not be kept longer than necessary

The child and parent's rights will be respected.

Personal data will be securely stored and only transferred to other people as detailed in this policy, clients consent, or as required by law.

### **How can you ask for data to be removed, limited or corrected?**

Please contact the Manager at the Pre-School.

### **How long we keep your data for, and why?**

Child and parent's details will be retained for a minimum of one year after the end of Pre-School education should information be required for funding audit.

## **Your rights as a Data Subject**

Data subjects have the following rights:

**The Right to Erasure** which does not provide an absolute 'right to be forgotten'. Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected / processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.

- The personal data was unlawfully processed (i.e. otherwise in breach of GDPR).
- The personal data has to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

We can refuse to comply with a request for erasure where the personal data is processed for the following reasons:

- To exercise the right of freedom of expression and information;
- To comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- For public health purposes in the public interest;
- Archiving purposes in the public interest, scientific research, historical research or statistical purposes; or
- The exercise or defence of legal claims.

### **The Right to Data Portability**

This right allows you, as a data subject to obtain and reuse your personal data for your own purposes across different services. It allows you to move, copy or transfer your data easily from one IT environment to another in a safe and secure way.

It applies when:

- Data has been provided from an individual to a controller.
- Where processing is based on consent or for the performance of a contract, and
- When processing is carried out by automated means.

If the Manager receives a request to transfer child or parent personal data, he or she will provide the personal data in a structured, commonly used and machine-readable form and the information will be provided free of charge.

If the parent requests it, we can transmit the data directly to another organisation if this is technically feasible. However, we are not required to adopt or maintain processing systems that are technically compatible with other organisations.

If the personal data concerns more than one individual, we will consider whether providing the information would prejudice the rights of any other individual.

### **The Right of Access**

The data protection legislation gives the data subject a right to access the information which is being held about them a 'subject access right' – see **"How you can check what data we have about you?"**

### **Can your data be downloaded to use it for other purposes?**

No, your data is used only for the purposes set out in this policy.

**Pre-School Office**

St Helen's Pre-School  
St Helen's Church Hall  
Gurney Road  
New Costessey  
Norwich  
NR5 0HH

This policy has been adopted by St Helen's Pre-School

Signed on behalf of the setting by:

..... Chairperson

..... Manager

Date: May 2018

Review Date: May 2019