

GENERAL DATA PROTECTION REGULATION POLICY



General Data Protection Regulation Policy Statement GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Mid Annandale Playcare is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Mid Annandale Playcare is registered with the ICO (Information Commissioners Office) under registration reference: Z81026601 and has been registered since 10th April 2003. Certificates are on display on the parent's information boards in our front foyer.

General Data Protection Regulation principles

To comply with the act, Mid Annandale Playcare must observe the eight 'General Data Protection Regulation principles', ensuring that:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

In practice, it means that Mid Annandale Playcare must:

- have legitimate grounds for collecting and using the personal data;
- not use the data in ways that have unjustified adverse effects on the individuals concerned;
- be transparent about how they intend to use the data, and give individuals appropriate privacy notices when collecting their personal data;
- handle people's personal data only in ways they would reasonably expect; and
- make sure they do not do anything unlawful with the data

Personal data is information that relates to an identifiable living individual that is processed as data. Processing amounts to collecting, using, disclosing, retaining or disposing of information. The General Data Protection Regulation principles apply to all information held electronically or in structured paper files.

Individual Rights

GDPR includes 7 rights for individuals

- 1) The right to be informed

Mid Annandale Playcare is a registered Childcare provider with Care Inspectorate and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers and email addresses. We need to know children's' full names, addresses, date of birth and Birth Certificate number. For parents receiving 600 hours Early Learning and Childcare we are requested to provide this data to Dumfries and Galloway Council; this information is sent to the Local Authority via a secure electronic file transfer system. See attached policy from Education for more information.

We are required to collect certain details of visitors to our nursery. We need to know visitors names, telephone numbers and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

Mid Annandale Playcare uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

2) The right of access

At any point an individual can make a request relating to their data and Mid Annandale Playcare will need to provide a response (within 1 month). Mid Annandale Playcare can refuse a request, if we have a lawful obligation to retain data i.e. from Care Inspectorate, 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 Mid Annandale Playcare has a legal duty to keep children's and parents details for a reasonable time*, please see retention document attached.

4) The right to restrict processing

Parents, visitors and staff can object to Mid Annandale Playcare 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

Mid Annandale Playcare requires data to be transferred from one IT system to another; such as from Mid Annandale Playcare to the Local Authority, to shared settings and to Capture Online Learning Journal. **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. See Registration form and consent section.

7) The right not to be subject to automated decision-making including profiling. Automated decisions and profiling are used for marketing based organisations. Mid Annandale Playcae does not use personal data for such purposes.

The General Data Protection Regulation entitles an individual the right to request the personal information a nursery holds on their behalf – this is known as a Subject Access Request (SAR) and includes all and any information held by the nursery, not just that information held on central files or electronically, so it could also include correspondence or notes held by others in the nursery.

- SARs must be responded to within 1 month of receipt.
- The SAR should be made in writing by the individual making the request.
- The nursery can refuse or charge for requests that are manifestly unfounded or excessive

- Parents can make SARs on behalf of their children if the children are deemed to be too young or they have consented to their parents doing so on their behalf.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked office and a locked filing cabinet at Mid Annandale Playcare. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from archiving, these records remain on site at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as, a weekly register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period.

Mid Annandale Playcare collect a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend or added to the child's file and stored appropriately.

Information regarding families' involvement with other agencies is stored both in paper format; this information is kept in a locked office and locked filing cabinet. Upon a child leaving Mid Annandale Playcare and moving on to school or another setting, data held on the child including learning and development including reports from professionals e.g. speech and language, child protection information and parent discussion forms will all be sent to the receiving school or nursery. This will be delivered via pony express or will be given to the parent to pass on.

Mid Annandale Playcare stores personal data held visually in photographs, written consent is received during time of registration. No names are stored with images in photo albums, displays, on the website or on Mid Annandale Playcare social media sites.

Access to all Office computers and Online Learning Journal is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy. Any portable data storage used to store personal data, e.g. USB memory stick, are password protected and/or stored in a locked filing cabinet.

* Please see attached Retention periods for records.