



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. Windsor Kindergarten 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 GDPR gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Windsor Kindergarten (the trading name of S & S Education Limited) is registered with the ICO (Information Commissioners Office)

GDPR includes 7 rights for individuals

1) The right to be informed

Windsor Kindergarten is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses. We need to know children's' full names, addresses, date of birth. For parents claiming Early Education Funding we are requested to provide this data to Richmond Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to the Kindergarten. We need to know visitors names, address and telephone numbers. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Windsor Kindergarten is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. 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 Capita for the processing of DBS checks.

2) The right of access

At any point an individual can make a request relating to their data and Windsor Kindergarten will need to provide a response (within 1 month). Windsor Kindergarten can refuse a request, if we have a lawful obligation to withhold data eg. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the withholding. The individual will have the right to complain to the ICO if they are not happy with the decision.

3) The right of erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, Windsor Kindergarten has a legal duty to keep childrens and parents details for a reasonable time*, Windsor Kindergarten retain these records for 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 6 years after the member of leaves employment, before they can be erased. This data is held securely offsite and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to Windsor Kindergarten 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

Windsor Kindergarten requires data to be transferred from one IT system to another; such as from Windsor Kindergarten to the Local Authority, to shared settings and to Tapestry' Online Learning Journal. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR. Limited information is shared with Local Authority and professional outside agencies, for example, Speech and Language and Safeguarding Reports. Parents are required to given written consent for these to be transferred.

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. Windsor Kindergarten does not use personal data for such purposes.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked office in Windsor Kindergarten. 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.

Windsor Kindergarten collects 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 electronically on an external hard drive and in paper format, this information is kept in a locked office. These records are shredded after the relevant retention period.

Upon a child leaving Windsor Kindergarten and moving on to school or moving settings, data held on the child is shared with the receiving school and at the Local Authority Transition evening. For children attending school outside Richmond Council the parent/carer will be given the data to deliver to the receiving school.

Windsor Kindergarten only stores personal data held visually in photographs or video clips or as sound recordings, when written consent has been obtained. No names are stored with images in photo albums, displays, on the website or on Windsor Kindergarten social media sites.

Access to all Office computers and Tapestry Online Learning Journal is password protected. Any portable data storage used to store personal data, e.g. USB memory stick, are password protected and/or stored in a locked office.

Windsor Kindergarten has a comprehensive Safeguarding Policy which staff adhere to and that ensures that parents' permission is always sought, when necessary, in relation to Data Protection.

GDPR means that Windsor Kindergarten must;

- * Manage and process personal data properly
- * Collect for specific and explicit legitimate purposes
- * Data must be accurate and kept up to date
- * Information must be held securely
- * Data retained for as long as is necessary for the reasons it was collected
- * Protect the individual's rights to privacy
- * Provide an individual with access to all personal information held on them



Retention periods for records

Children's records	Retention period	Status	Authority
Children's records - including registers, medication record books and accident record books pertaining to the children	A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)

Personnel records	Retention period	Status	Authority
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
DBS check	6 months	Recommendation	DBS Code of Practice The following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken
<i>Pay</i>			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986

Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982
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Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
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Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development
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Health and safety

Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
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Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
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Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
Financial records	Retention period	Status	Authority
Accounting records	3 years from the end of the financial year for private companies, 6 years for public	Requirement	Companies Act 2006
	limited companies		
	6 years for charities	Requirement	Charities Act 2011
Administrati on records	Retention period	Status	Authority

Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive
Minutes/minute books	10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation	Chartered Institute of Personnel and Development

Useful publications

More detailed information on retention of financial records is provided in *Financial Management* (Ref: A119) Pre-school Learning Alliance, which can be ordered from www.pre-school.org.uk/shop.

The Pre-school Learning Alliance is the largest and most representative early years membership organisation in England. An educational charity, the Alliance represents the interests of over 14,000 member settings who deliver care and learning to over 800,000 families every year. We offer information and advice, produce specialist publications, run acclaimed training and accreditation schemes and campaign to influence early years policy and practice.

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