



## **General Data Protection Regulation Policy**

### **Statement**

GDPR (General Data Protection Regulation) states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes and that individual's data is not processed without their knowledge and is 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 seven 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 Entitlement 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 visitor's 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 parent's details for a reasonable time\*, Windsor Kindergarten retain these records for 3 years after leaving the setting, 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.

All records must be retained for the appropriate duration required.

**Policy reviewed September 2023**