



## Data Protection (GDPR) 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 individual's data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Twinkling Toddlers Nursery 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.

The data controller must take all reasonable steps to ensure the reliability of any employees of his who have access to the personal data. The nursery is committed to ensuring that personal data is collected, stored and disposed of in a secure and appropriate manner. We respect the data subject's right to privacy and accuracy, and their right to access their own personal data where appropriate. Our policy is in line with LSCB local guidance and procedures.

### **GDPR includes 7 rights for individuals**

#### 1) The right to be informed

Twinkling Toddlers Nursery 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, date of birth and National Insurance numbers. We need to know children's' full names, addresses, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Birmingham City 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 our pre-schools. We need to know visits names, telephone numbers, and addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Twinkling Toddlers Nursery 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 for the processing of DBS checks.

## 2) The right of access

At any point an individual can make a request relating to their data Twinkling Toddlers Nursery will need to provide a response (within 1 month). Twinkling Toddlers Nursery can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, 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, Twinkling Toddlers Nursery has a legal duty to keep children's and parent's details for a reasonable time, Twinkling Toddlers Nursery is duty bound in retaining 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.

4) The right to restrict processing Parents, visitors and staff can object to Twinkling Toddlers Nursery processing their data. This means that records can be stored but must not be used in any way, for example reports

5) The right to data portability Twinkling Toddlers Nursery requires data to be transferred from one IT system to another; such as from Twinkling Toddlers Nursery to the Local Authority. 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.

7) The right not to be subject to automated decision-making including profiling.

Automated decisions and profiling are used for marketing based organisations. Twinkling Toddlers Nursery 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 in a filing cabinet. Managing members of staff can have access to these files but information taken from the files about individual children is confidential and, 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.

Upon a child leaving Twinkling Toddlers Nursery and moving on to school or moving settings, his or her data will be shared electronically with the setting email and never an individual, or will be hand delivered and signed for by a named head teacher or appointed faculty member and not admin staff.

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.

GDPR means that Twinkling Toddlers Nursery must;

- Manage and process personal data properly
- Protect the individual's rights to privacy
- Provide an individual with access to all personal information held on them

### **Data protection and photography**

To ensure that every child in our care deserves to be protected from the misuse of photographic and video images of themselves, taken whilst they attend the Nursery.

It is our policy to use photographs taken in the nursery to support the children's learning and also to record children's individual progress. Photographs recorded in nursery as part of a normal day are taken using a digital camera and are only taken by members of the staff team. These photographs will then be uploaded to the children's individual learning journal which are password protected by each individual parent. Each parent has their own password to only access their child's learning journal

### **Who is Responsible**

It is the responsibility of all members of staff to ensure that photographs are not shared with individuals outside the setting. The nursery manager has overall responsibility to ensure that all photography / videos is kept safe and secure and in compliance with the General Data Protection Regulations 2018.

Photographs / videos are taken to:

- Support the learning of each child's individual record
- Illustrate work on display around the nursery building

## Parent's use of cameras/videos in nursery.

Parents/carers will be invited for celebrating days, sports days etc. Parents are not permitted to record children but can request photographs and or video stills from the nursery. Failure to abide by the rules means that nursery has no control over these images once they are in the public domain.

We will ensure that the children of parents/carers who do not wish their child to be photographed or videoed are provided with other activities. At no time are staff permitted to bring in a camera from home, nor use their mobile phones in the Nursery playrooms.

## Distribution of photographs

Any photographs taken at nursery will only be uploaded to individual learning journals that have secure password protected access by each individual parent.

Photographs may also be used on the nursery website but written consent from parents is always required prior to these photographs being uploaded. If photographs were taken as part of a group activity for the purpose of training, then with parents' permission the photographs will only be distributed as hard copy / printed copy to the relevant person.

All parents should not that in the event of **SAFEGUARDING/ CHILD PROTECTION** concern then photographs and or information pertaining to that child and their family will be shared with the relevant local authorities.

Parents will be informed if their details are to be shared with other agencies. Before any disclosure of information is made the manager's approval is required. Only the data that is legally required should be archived.

## Policy was:

<b>Implemented</b>		<b>Reviewed</b>		<b>Amended</b>	
<b>Date:</b>			<b>Next Review Date:</b>		
<b>Manager</b>	Shannon Ralph	<b>Manager Signature</b>			
<b>Deputy Manager</b>	Shabana Hussain	<b>Deputy Signature</b>			
<b>Director</b>	Sajid Hussain	<b>Director Signature</b>			