



Data Protection Policy and Privacy Notice

Aims

Shapes Day Nursery aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act (DPA)1998 and General Data Protection Regulation 2018 (GDPR) and any subsequent legislation on information handling and privacy.

This policy relates to the protection of personal Identifiable Data (herein referred to as personal data), that is any piece of data that could identify an individual such as their name, address, date of birth, telephone number, parent's name, email address etc.

This personal data must be handled in an appropriate manner, whether in paper form or electronic, to protect the privacy for those which it concerns.

The Data Controller

Shapes Day Nursery processes personal information relating to pupils, staff and visitors, and therefore, is a data controller. The Data Protection Lead with responsibility for monitoring this data is Sarah Powell - Nursery Manager.

The nursery is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

POLICY STATEMENT

Shapes Day Nursery regards the lawful and correct treatment of personal data of paramount importance. All individuals associated with our setting, children, parents, staff, students and volunteers, have a right to expect that their personal data is treated lawfully and respectfully. To ensure this we adhere to the principles of the General Data Protection Regulations (GDPR) 2018 and subsequent UK guidelines for the collection and processing of personal data.

The GDPR principles (Article 5) requires that personal data shall be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Collected for specified explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of

the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In addition Article 5 (2) requires that:

- The controller shall be responsible for, and be able to demonstrate, compliance with the principles
(Source: *The Information Commissioner's Office*)

RESPONSIBILITIES

- We are registered with the Information Commissioner's Office (ICO) – registration number Z332677X.
- We have appointed Sarah Powell (Nursery Manager) as the Data Protection Lead for our setting. Their responsibilities include the provision of privacy statements, updating this (and related) policies on an annual basis, undertaking an annual audit of our data protection systems and processes, monitoring staff with regards to appropriate handling of data and ensuring systems are in place to maintain the accuracy of the data we hold.
- We will provide privacy notices to parents' staff, students and volunteers that detail how we:
 - Meet the GDPR regarding the collection of their personal data;
 - Fulfil our obligations to specify our lawful basis for processing their data and the purposes for which it will be used;
 - Collect and process only appropriate data that is required to fulfil the operational needs of the business and to comply with legislation;
 - Ensure the quality of the data used and that it is timely, accurate and kept up to date;
 - Ensure those associated with our setting are fully communicated to regarding their right to be informed that data collection and processing is undertaken, to their right of access to their personal information, their right to withdraw consent (where given) and their right to be forgotten and to correct, rectify, block or erase inaccurate data;
 - Set out transparent procedures for responding to requests for information;
 - Share information, and with whom we may share and the circumstances for doing so; and
 - Store both current and historical data.
- Staff receive training in our processes for handling personal data.
- Staff are appropriately supervised when handling personal data.
- Breaches of data protection by staff may lead to disciplinary action being taken by our setting.
- A data audit is carried out annually by the Data Protection Lead for the purposes of identifying that data held, our lawful basis for processing, the systems and processes in place to ensure the accuracy of the data and the identified retention periods of historical data.
- Data Sharing Agreements are in place with organisations with whom we collect and share personal data.
- Organisations who process data on our behalf provide a Data Sharing Contract/Policy detailing how they protect the data provided.
- Our email systems are encrypted to prevent unauthorised access to any data shared by this means
- Our IT systems and electronic devices are password protected to prevent unauthorised contact.
- Parents, staff, students and volunteers within our setting have a right to know that the data shared with us will be regarded as confidential, as well as to be informed of the circumstances when, and the reasons why, we may be obliged to share information either with or without consent.
- We are obliged to share information without authorisation from the person who provided it, or to whom it relates, when:
 - There is evidence that a child is suffering, or is at risk or suffering, significant harm;

- There is reasonable cause to suspect that a child may be suffering, or is at risk of suffering, significant harm;
- It is to prevent a crime from being committed or to intervene where one may have been; and/or
- Not sharing the information could be worse than the outcome of having shared it.
- Parents, staff, students and volunteers have a right to access their personal data and request that any inaccurate data is rectified and/or deleted. All such requests to access the information held on an individual should be made, in writing, to the Data Protection Lead.
- If parents, staff, students or volunteers have concerns relating to the way your personal data is handled this should be raised in the first instance with the Data Protection Lead for our setting.
- If you are still dissatisfied after raising your concern you make a complaint to the Information Commissioner's Office (ICO) by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via their website ico.org.uk

Privacy Notice

Pupils and Parents

We hold personal data about children to support teaching and learning, to provide pastoral care and to access how the nursery is performing. We may also receive data about children from other organisations including, but not limited to, local authorities and the Department for Education.

We will only retain the data we collect for as long as the law says.

We will not share information with anyone without consent unless the law and our policies allow us to do so.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department of Education, so that they can meet their statutory obligations.

Staff

We process data relating to those we employ to work at, or otherwise engage to work at, the nursery. The purpose of processing this data is to assist in the running of the nursery, including to;

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Inform our recruitment and retention policies
- Enable ethnicity and disability monitoring
- Support practitioners

Staff personal data includes, but is not limited to, information such as;

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical Information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has

been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required by law, to pass certain information about staff to specified external bodies such as our local authority and the Department for Education, so that they can meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the nursery holds should contact the manager.

Subject Access Requests

Under data protection legislation, parents and children have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's record, contact Sarah Powell, Data Protection Lead

The nursery will not reveal the following information in response to subject access requests;

- Information that might cause serious harm to the physical or mental health of the child or another individual.
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interest.
- Information contained in adoption and parental order records.
- Certain information given to a court in proceedings concerning the child.

Storage of Records

Paper-based records and portable electronic devices, such as laptops, tablets and hard drives, that contain personal information are kept secure when not in use. Papers containing confidential personal information should not be left on office desks, on staffroom tables or pinned to noticeboards where there is general access. Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the nursery office. All laptops and tablets are password protected. Staff are not allowed to use personal devices to store any personal information about staff, parents and children.

Disposal of Records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

Training

All staff will be provided with data protection updates and training as applicable. Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

DATA PROTECTION PRIVACY STATEMENT (PARENTS)

Privacy Notice - How we use children's information

The Data Protection Lead with responsibility for monitoring this privacy notice is Sarah Powell - Nursery Manager.

Why do we collect and use children's information?

As a nursery it is necessary for us to collect personal information about you and your child. Sometimes we must confirm or share information with other organisations. If we need to do this, we will make it clear to you on the forms you complete giving us the information.

Shapes Day Nursery will record, process and keep personal information on you and your child in accordance with the Data protection Act (DPA) 1998 and the General Data Protection Regulations 2018.

We use this data to:

- Support children's learning
- Make assessments on children's development
- Safeguard the children in our care in accordance with relevant legislation
- Comply with Government legislation
- Assess the quality of our services
- Contact you regarding your child.

Shapes Day Nursery collect, hold and share two kinds of records on children attending our setting:

Developmental records

These include:

- Developmental information collected prior to the child starting at the setting
- A copy of the child's Two-Year-Old Progress Check
- Observations of children in the setting, photographs, video clips, samples of work and developmental assessment records.

Personal records

These include:

- Personal details – including the information provided on the child's registration form and any consent forms and characteristics such as ethnicity, language and nationality.
- Contractual matters – including the child's days and times of attendance, a record of the child's fees and/or funding entitlement, any records of fee reminders and/or disputes
- Emergency contact details – including those people, other than parents/guardians with authorisation to collect the child from the setting.
- Children's health and well-being – including discussions about every day matters regarding the health and well-being of the child with the parent/guardian, records of accidents and medication records.
- Safeguarding and child protection concerns – including records of all welfare and protection concerns and our resulting actions, meetings and telephone conversations about the child and any information regarding a Looked After Child.
- Early support and SEN – including any focussed intervention provided by our setting, a record of the child's IEP and, where relevant, their Statement of Special Education Need.

- Correspondence and reports – including letters and emails to and from other agencies and any confidential reports relating to specific children

Collecting information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. To comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

The Early Years Foundation Stage (Welfare Requirements) Regulations 2012 place a legal obligation upon us to collect and process much of the information detailed above. Therefore, we do not require your consent to collect this information as we have a fair and lawful reason for doing so.

All forms collecting data will clearly state our lawful basis for processing the information you supply and where the request is voluntary, or consent is required this will be clearly stated.

Storing children's data

We ensure that access to children's files is restricted to those authorised to see them. We will keep information about you and your child secure. We will protect your information against unauthorised change, damage, loss or theft. All information collected on paper form is kept locked away. All computers and tablets are password protected.

We retain children's records for as long as the law says. After this, we will dispose of it securely.

Sharing information

The information that you provide to us, whether mandatory or voluntary, will be regarded as confidential. We do not share information about your child with anyone without consent unless the law and our policies allow us to do so.

We routinely share information without consent with:

- schools that children attend after leaving us
- our local authority for the purposes of the Early Education Entitlement for 2, 3 and 4-year olds and the Early Years Census
- the Department for Education (DfE) as part of statutory data collections.

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, when:

- there is evidence that the child is suffering or is at risk of suffering significant harm.
- There is reasonable cause to believe that a child may be suffering, or is at risk of suffering, significant harm
- It is to prevent significant harm arising to children, young people or adults, including the prevention, detection and prosecution of serious crime.

Further information regarding information sharing and confidentiality can be found in our policies.

Requesting access to your personal data

Under data protection legislation, parents/guardians, children and young people have the right to request access to information about them that we hold. Where a child is too young to give 'informed consent' the parent is the 'subject' of the file and has a right to see the information held.

Children's developmental records are shared regularly with parents/guardians and formal requests to access these is not required.

To make a request for your personal information contact Lyndsey Scowen, following the procedure detailed in our access to records policy.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- withdraw consent where given
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you would like to discuss anything in this privacy notice, please contact the Nursery Manager

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

DATA PROTECTION PRIVACY STATEMENT (STAFF)

Privacy Notice - How we use employee information

[Note – for the purpose of this notice the term employee also includes students, volunteers, committee members and boards of directors]

The Data Protection Officer/Lead with responsibility for monitoring this privacy notice is Sarah Powell – Nursery Manager.

Why do we collect and use employee information?

Shapes Day Nursery process personal data relating to those we employ to work as, or are otherwise engaged to work as, part of our workforce in accordance with the General Data Protection Regulations 2018

We use this data:

- In the course of managing your employment with us
- to assist in the running of the setting
- to enable individuals to be paid
- to inform the development of our recruitment and retention policies
- to allow better financial modelling and planning

Shapes Day Nursery will collect, hold and share the following employee information.

These include:

- Personal details – including your name, address, email address, telephone number and other contact information that allows us to meet our organisational and statutory obligations as your employer
- Characteristics such as ethnicity, language and nationality.
- Details of family members and next of kin details
- Contractual matters – including attendance, records of absence, suitability screening information, qualifications, right to work documentation, wage records, records of disputes and any resulting disciplinary action.
- Health and well-being – including discussions about every day matters, the health and well-being of the employee, records of accidents and incidents, minutes of supervision meetings, annual appraisals.

Collecting information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. We will inform you whether you are required to provide certain information to us or if you have a choice in this.

We may use your personal data in the following ways:

- to ensure that the information we hold about you is kept up-to-date;
- to deal with any Employee/employers related disputes that may arise;
- for assessment and analysis purposes to help improve the operation of, and manage the performance of, our business;
- to prevent, detect and prosecute fraud and other crime;
- for any other purpose for which you give us your consent to use Personal Data;
- to comply with legal obligations e.g. HMRC, pensions, S29 requests.

Storing data

- We ensure that access to employee files is restricted to those authorised to see them such as the manager, deputy, office manager.
- These confidential records are stored in the nursery office.
- We retain personnel records for 3 years from the date of termination of the employment in line with HMRC requirements

Sharing information

The information that you provide to us, whether mandatory or voluntary, will be regarded as confidential. We do not share your information with anyone without consent unless the law and our policies allow us to do so.

We may share your personal data:

- With professional advisors or third-party contractors who provide services to us
- Where we are under a legal obligation to do so, for example where we are required to share information under statute, to prevent fraud and other criminal offences or because of a court order.
- Where a person, or a person with whom they live, becomes disqualified from working with children and young people
- To prevent significant harm arising to children, young people or adults, including the prevention, detection and prosecution of serious crime.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information that we hold about you.

To make a request for your personal information contact Sarah Powell – Nursery Manager in writing.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- withdraw consent where this has been given
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

Please let us know if the Personal Data that we hold about you needs to be updated

If you would like to discuss anything in this privacy notice, please contact the nursery manager.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at

<https://ico.org.uk/concerns/>