

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 came into effect on 25th May 2018.

GDPR states that personal data should be “Processed fairly and 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. The Orchards Day Nursery Limited is committed to protecting the rights and freedom 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 frame work to ensure that personal information is handed properly.

GDPR includes 7 rights for individuals

1) The Right to be informed

The Orchards Day Nursery Limited 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 local authority; this information is sent to the local authority via a secure electronic file transfer system.

We are requested to collect certain details of Visitors to our nursery. We need to know visits names, telephone numbers, and address and where appropriate company names. This is in respect to our health and safety and safeguarding policies.

As an employer The Orchards Day Nursery Limited is required to hold data on its employess; names, addresses, email addresses, telephone numbers, date of birth, national insurance numbers, photographic ID such as passport or drivers license, bank details and contact details of someone to contact in case of an emergency. 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 UK CRBs 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 The Orchards Day Nursery Limited will need to provide a response (within 1 Month). The Orchards Day Nursery Limited can refuse a request if we have lawful obligation to retain data i.e. from Ofsted in relation to EYFS, but we will inform the individual of the reason for rejection. The individual will have the right to complain if they are unhappy 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 The Orchards Day Nursery Limited has a legal duty to keep children's and parents details for a reasonable time. Orchards Day Nursery Limited retain these records for 3 years after leaving the nursery, childrens 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 staff leaves employment, before they can be erased. This data is archived securely on site and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to The Orchards Day Nursery Limited processing their data. This means that records can be stored but must not be used in any way, for example reports or for communication.

5) The right to data portability

The Orchards Day Nursery Limited requires data to be transferred from one IT system to another, such as The Orchards Day Nursery Limited 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.

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 are profiling are used for marketing based organisations. The Orchards Day Nursery does not use personal data for such purpose.

Storage and use of personal information

All paper copies of children and staff records are kept in a locked office at The Orchards Day Nursery Limited and some in a locked filing cabinet. Members of staff can have access to 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 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.

The Orchards Day Nursery Limited 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 a internal hard drive and in paper form, this information is kept in a locked office in a locked filing cabinet. These records are shredded after the relevant retention period.

Upon a child leaving The Orchards Day Nursery Limited and moving onto school or moving to another setting, data held on the child may be shared with the receiving school or other setting. Such information will be sent via recorded delivery by Royal mail or the parent or carer will be given the data to deliver to the receiving setting.

Access to all office computers and Tapestry online learning journal is password protected. When a member of staff leaves the company these passwords are changed inline with this policy and our safeguarding policy. Any portal data stored used to store personal data e.g . USB memory stick, are password protected and stored in a locked safe.

GDPR means that The Orchards Day Nursery Limited must;

- ✚ Manage and process personal data properly
- ✚ Protect individuals right to privacy
- ✚ Provide an individual with access to all personal information held on them.

The Orchards Day Nursery Limited

The Orchards Day Nursery LTD is a company registered in England and Wales.