1. **Procedure Aim**

To make staff and parents aware of the procedures and legislation we follow in accordance with

The Data Protection Act 2018 to keep personal information safe and secure.

**2. Procedure Statements**

**Statement**

The new Data Protection Act 2018 came into force on 23 May 2018; replacing the Data Protection Act 1998, the new, Data Protection Act implements the EU's General Data Protection Regulation (GDPR). 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. First Steps 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.

GDPR means that First Steps 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

First Steps Nursery Stoke on Trent College is registered with the ICO (Information Commissioners Office) under registration reference: Z7457987

**GDPR includes 7 rights for individuals**

1) The right to be informed

First Steps 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 Stoke on Trent City Council; this information is sent to the Local Authority via a secure online provider portal.

We are required to collect certain details of visitors to our Nursery. We need to know visits

names, telephone numbers, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer First Steps Nursery is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, medical information and emergency contact information

2) The right of access

At any point an individual can make a request relating to their data and First Steps Nursery

First Steps Nursery will need to provide a response (within 1 month). First Steps 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 First Steps Nursery has a legal duty to keep children’s and parents details for a reasonable time (please see retention chart), First Steps Nursery retain

these records for 3 years after leaving nursery, 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 archived securely offsite and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to First Steps Nursery 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

First Steps Nursery requires data to be transferred from one IT system to another; such as from First Steps Nursery to the Local Authority, these recipients use secure online portal 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. First Steps 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 office in First Steps Nursery office. 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.
* First Steps Nursery 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 in paper format, this information is kept in a locked filling cabinet in the First Steps Nursery office and these records are shredded after the relevant retention period.
* Upon a child leaving First Steps Nursery and moving on to school or moving

settings, data held on the child may be shared with the receiving school/setting. Such information is handed directly to the parent and they are asked to pass this onto the school.

* First Steps Nursery stores personal data held visually in photographs or video clips or as sound recordings, no names are stored with images in photo albums, displays, on the website or on First Steps Nursery social media sites.
* Permission is granted from parents/carers for their children to be photographed/ filmed whilst at First Steps Nursery for display (corridor & room) and Learning Journey purposes. Once the photographs have been printed using the office laptops and printer they are erased from the camera and laptop. After use of the photographs on displays the photographs are given to the child’s Parent/Carer.
* A consent form is required from parents/carers First Steps Nursery to use pictures/videos of the child in promotional materials and for general publicity, or as an educational tool.
* Images and videos taken will be held by Stoke on Trent College on a secure server. Such images/videos are subject to the GDPR legislation and can be viewed on request. Consent can be withdrawn at any time via marketing@stokecoll.ac.uk with the exception of publications already in circulation.
* Access to all Office/Room computers are password protected to the individual staff user when a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy.
* CCTV -Stoke On Trent uses CCTV on its premises. This data may be shared with the Police and other agencies where the College is required or permitted to do so by law.

 **Sharing of Information**

* Parents are asked to give written consent to sharing child development summaries and to sharing information about any additional needs their child may have.
* Staff will however divulge confidential information to the Multi-Agency Safeguarding Hub or to Ofsted if they have any concerns that your child is being abused. Please see the Safeguarding Children Policy.
* The nursery’s records and documentation are kept and stored in accordance to the minimum legislative archiving time. We currently archive records for at least 21 years and three months.
* All staff and student workers at the nursery will be made aware of our nursery policies and MUST abide by them.

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| **Children's records** | **Retention period** | **Status** | **Authority** |
|  Children’s records - including registers, medication record books and accident record books pertaining to the children  |  Records should be retained for a reasonable period of time (for example 3 years) after children have left the provision   |  Requirement  | Early Years Foundation Stage Welfare Requirements (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, The Statute of Limitations (Amendment) Act 1991  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 old.  |
|  Records of any reportable death, injury, disease or dangerous occurrence  |  3 years after the date on which it happened  |  Requirement  |  The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)   |

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| **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 | 6 months | Recommendation | DBS Code of PracticeThe following basicinformation should beretained after the certificateis destroyed: the date ofissue; the name of thesubject; the type ofdisclosure; the position forwhich the disclosure wasrequested; the uniquereference number; and thedetails of the recruitmentdecision taken |



