

General Data Protection Regulation Policy

Statement of intent

The General Data Protection Regulation (GDPR) is designed to protect the privacy of individuals and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016. It also requires that an individual's data is not processed without their knowledge and are only processed with their explicit consent. This includes both staff and children. The General Data Protection Regulation requires the setting to strike the right balance in processing personal information so that an individual's privacy is protected. Applying the principles to all information held by the pre-school will typically achieve this balance and help to comply with the legislation.

It requires that any personal information about an individual should be processed fairly & lawfully and collected for specified, explicit and legitimate purposes.

Little Acorns Montessori Limited 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. Little Acorns Montessori Limited is registered with the ICO (Information Commissioners Office) under registration reference: ZA161231 and has been registered since 26th January 2016.

General Data Protection Regulation Principals

To comply with the act, the setting must observe the eight 'General Data Protection Regulation principles', ensuring that:

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant, and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

GDPR means that Little Acorns Montessori Limited 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.

In practice, it means that the setting must:

- have legitimate grounds for collecting and using the personal data;
- not use the data in ways that have unjustified adverse effects on the individuals concerned.
- be transparent about how they intend to use the data, and give individuals appropriate privacy notices when collecting their personal data.
- handle people's personal data only in ways they would reasonably expect; and
- make sure they do not do anything unlawful with the data

Personal data is information that relates to an identifiable living individual that is processed as data. Processing amounts to collecting, using, disclosing, retaining, or disposing of information. The General Data Protection Regulation principles apply to all information held electronically or in structured paper files.

The principles also extend to educational records – the names of staff and children, dates of birth, addresses, national insurance numbers, medical information, SEN assessments and staff development reviews.

Sensitive personal data is information that relates to

- race and ethnicity,
- political opinions,
- religious beliefs,
- membership of trade unions,
- physical and mental health,
- sexuality
- criminal offences

Sensitive personal data is given greater legal protection as individuals would expect certain information to be treated as private or confidential – for example, a pre-school manager may have a pre-school e-mail account that is made publicly available on the school’s website whereas their home e-mail account is private and confidential and should only be available to those to whom consent had been granted.

It is important to differentiate between personal information that individuals would expect to be treated as private or confidential (whether legally classified as sensitive personal data) and personal information you can make freely available. For example: the pre-school manager’s identity is personal information, but everyone would expect it to be publicly available. However, the pre-school manager’s home phone number would usually be regarded as private information.

Rights of individuals under GDPR

The General Data Protection Regulation includes the following rights for individuals:

The right to be informed

Little Acorns Montessori 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 Bracknell Forest 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, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Little Acorns Montessori Limited 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 UKCRBs for the processing of DBS checks.

The right of access

At any point an individual can make a request relating to their data and Little Acorns Montessori Limited will need to provide a response (within 1 month). Little Acorns Montessori Limited 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.

The right to rectification

Under the GDPR, all individuals have the right to rectify any personal data held by an organisation. This applies when the information is inaccurate or incomplete.

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, Little Acorns Montessori Limited has a legal duty to keep children's and parent's details for a reasonable time before they can be erased. This data is archived securely offsite and shredded after the legal retention period. There is a full Risk Assessment in place for transportation and storage.

The right to restrict processing

Parents, visitors and staff can object to Little Acorns Montessori Limited processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

The right to data portability

Little Acorns Montessori Limited requires data to be transferred from one IT system to another; such as from Little Acorns Montessori Limited to the Local Authority, to shared settings and to an Online Learning Journal. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

The right not to be subjected to automated decision-making including profiling

Automated decisions and profiling are used for marketing-based organisations. Little Acorns Montessori Limited does not use personal data for such purposes.

Subject Access Request

The General Data Protection Regulation entitles an individual the right to request the personal information a pre-school holds on their behalf – this is known as a Subject Access Request (SAR) and includes all and any information held by the pre-school, not just that information held on central files or electronically, so it could also include correspondence or notes held by others in the pre-school.

- SARs must be responded to within 1 month of receipt.
- The SAR should be made in writing by the individual making the request.
- The pre-school can refuse or charge for requests that are manifestly unfounded or excessive

Parents can make SARs on behalf of their children if the children are deemed to be too young or they have consented to their parents doing so on their behalf.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked office at Little Acorns Montessori Bracknell Campus and a locked filing cabinet and cupboard at Little Acorns Montessori Winkfield campus. 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.

Little Acorns Montessori Limited collects a large amount of personal data every year including; names and addresses of those on the waiting list or from prospective parents. 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 office and Little Acorns Montessori Bracknell campus and in a locked filing cabinet at Little Acorns Montessori Winkfield campus. These records are shredded after the relevant retention period.

Upon a child leaving Little Acorns Montessori Limited and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent via a secure file transfer system or at a School transition meeting. For children attending schools outside Bracknell Forest Council the parent/carer will be given the data to deliver to the receiving school.

Little Acorns Montessori Limited ensures that access to all Office computers and Online Learning Journals is password protected. 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.

Staff Responsibilities

What staff need to know and understand:

- How to manage, keep and dispose of data
- The settings procedures in relation to children's records, email, social media, taking photos in the pre-school, mobile technology and the pre-school website.
- When they are allowed to share information with others and how to make sure it is kept secure when shared.

Access to staff personal data

- Employees are allowed to have access to all personal data about them held on manual or computer records under the Data Protection Act (1998). The Act requires the organisation to action requests for access to personal data within one month.
- Should an employee request access to their personal data, the request must be addressed in writing to the relevant line manager. The request will be judged in the light of the nature of the personal data and the frequency with which they are updated. The employee will be informed whether or not the request is to be granted. If it is, the information will be provided within one month of the date of the request.
- In the event of a disagreement between an employee and the line manager regarding personal data, the matter should be taken up under the charity's grievance procedure.
- The right of employees to see information held about them is extended to information held in paper record-keeping systems as well as computerised systems.
- There are some exemptions; for example, employees will not be able to see employment references about them supplied in confidence, nor will people involved in negotiations with the data controller be able to see information about the data controller's intentions in relation to those negotiations.
- Employee data cannot be used for direct marketing (including fundraising) if the data subject objects.

It is your responsibility to report suspected breaches of security policy without delay to the settings data protection team.

Bracknell campus

Designated Data Protection Officer- Val Duffy
Designated Data Controller- Michelle Tuddenham

Winkfield campus

Designated Data Protection Officer- Michelle Tuddenham
Designated Data Controller- Val Duffy

All breaches of information security policies will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with Little Acorns Montessori Limited disciplinary procedures.

Legal Framework

General Data Protection Regulation 2018 <https://ico.org.uk/>

Data Protection Act 1998

Computer Misuse Act 1990

Freedom of Information Act 2000

Human Rights Act 1999

The Children Act 2004, 2006 (Every Child Matters)

Statutory Framework

Statutory Framework for the Early Years

Section 3: The Safeguarding and Welfare requirements 3.67-3.7