



Brookside Pre-school General Data Protection Regulation (GDPR) Policy

Author: Michelle Hughes

Reviewed by: Leanne Moriarty

Date reviewed: 17/01/2024

1. What is General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) is a new law that came into effect on 25 May 2018. It replaced the Data Protection Act 1998.

GDPR condenses the Data Protection Principles into six areas, which are referred to as the Privacy Principles. They are:

1. You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason it is initially obtained.
3. You must not collect any more data than is necessary.
4. It must be accurate and there must be mechanisms in place to keep it up to date.
5. You cannot keep it any longer than needed.
6. You must protect the personal data.

These privacy principles are supported by a further principle – accountability. This means that Brookside Pre-school have an obligation to handle personal data in compliance with GDPR and have enough measures in place to demonstrate how compliance is achieved.

All Brookside Pre-schools staff members, committee members and volunteers who process or use any Personal Information must ensure that they always follow these principles.

Brookside Pre-school is registered with the Information Commissioners Office (ICO) Our registration can be checked via <https://ico.org.uk/> our reference number is: **ZA173377**

2. What is meant by Personal Information?

Personal Information is defined as any information relating to an identified or identifiable person. At Brookside Pre-school this relates to employees, committee members, volunteers, attending children and their families, professional visitors, and some members of the public e.g. job applicants. We need to ensure that the information gained from everyone is kept securely and to the appropriate level of confidentiality.

The personal information collected from individuals may include:

- Their name
- Address
- Email address
- Telephone numbers-including those of emergency contacts
- Date of birth
- National Insurance number
- DBS numbers
- Photographs
- Observations of children's progress (learning journals)
- Children's reports, preschool or from outside professionals.

Sensitive Personal Data is personal information which could result in illegal discrimination against an individual or pose a serious risk to an individual, such as financial loss or identity theft. Therefore, its handling is subject to certain conditions or requirements. Sensitive data in which we are likely to hold are:

- Physical or mental health details
- Records of involvement with Social Services
- Racial or ethnic origin
- Religious or other beliefs
- Details of social or economic situation
- Any proceedings for any offence committed or alleged to have been committed by him

3. Collecting Information

Whenever information is collected about people, they should be informed why the information is being collected, who will be able to access it and to what purposes it will be put. The individual concerned must agree that he or she understands and gives permission for the declared processing to take place, or it must be necessary for the legitimate business of the pre-school.

4. Online Data Processing

Electronic Equipment

Brookside Pre-school owns two Laptops which are used for business purposes only. The computers are used only by the Management team and are password protected. Confidential documents and emails are protected further with additional programmes. Information is synced between the two laptops using Sync.com.

We own Apple iPad's which we use to take photographs and videos for observation and assessment purposes. These devices are password protected and photographs are erased as soon as they are put onto the child's online learning journey (Tapestry). The devices do not leave

the setting other than when the children go on walks outdoors where they are kept secured in a backpack.

Emails

We use Windows Mail to process our emails and our email provider is Microsoft Outlook. For more information on Microsoft Privacy statement please visit <https://privacy.microsoft.com/en-gb/privacystatement>

We obtain permission from parents to add them to our mail list and do not share email addresses with any other agencies for advertising purposes. Group emails are sometimes used to share information with parents/carers. To ensure that contact details are not shared between parents be send via the Bcc option.

Private emails are password protected and are erased once they are no longer needed. Please see our Data Retention section for further details.

We do not use email information for gathering statistics or any other purpose.

Website

Brookside Pre-school has its own website; www.brooksidepreschool.co.uk The website is processed by www.wix.com which may collect anonymous information about your activity on the site. We do not use this information. There are some links for further information within our website, we cannot be held responsible for the accuracy of the information contained in those websites.

Personal information is not included on our website however we do add occasional photographs of children during their play. We seek prior permission specifically for our website from parents during the registration process (this can be viewed on the Permissions section of our child registration form).

Facebook Page

Brookside Pre-school has a public Facebook page for promotional purposes. The page does not include any personal information regarding children, families, and staff. Photographs of children are carefully chosen to ensure that we only use photos of children where permission has been obtained, otherwise, we select photos where the child's face is not visible. Parents have the right to ask for photographs to be removed at any time.

Brookside Pre-school has a closed group for parent's access only. This is for the purpose of sharing information and news about the Pre-school. Parents can request to join this page via Facebook after answering some security questions and Management approval. Parents are not obliged to join this page and can leave the group at any time. Parents will be automatically removed by management if the child no longer attends pre-school. No personal information

regarding children, families or the staff is shared on this page and all comments must be approved by management before being posted on the page.

Telephone

We use a preschool mobile phone. Childrens first names and parent/carer contact numbers are stored in the phone in case of an emergency. The phone stays within the setting and is taken out on all outings/trips and is password protected. Text message chats to and from parents/carers are erased from our mobile phone once a child leaves the setting.

Instant Nursery Manager (INM)

Brookside Pre-school management team and our pre-school administrator use a computer programme called (INM) to hold child information taken from our registration forms. We use this data system as it is specifically designed for nurseries to create childcare bills, registers, child information charts and other useful features. The programme is heavily protected by several passwords and is only accessible to the management team, our administrators, and the Chair of the Management Committee.

We have requested information on GDPR from Instant Nursery Manager and the following information was given:

Below are some reassurances we make and something our customers can do to help prevent potential cyber-attacks.

We secure the server as well as the connections as best we can, locking down users to access only their own folders, SSL secure connection is forced, Anti Malware/Viral protection running 24 hours a day.

All of our servers are hosted in the UK and are certified ISO9001 and ISO27001.

There may be occasions where customers will need us for remote support assistance, we can only carry out remote support if the customer have first contacted us either via our help phonenumber or by email. We will not offer support for any other cold caller.

The only time we would possibly have access to customers data is if we upgraded the software on request, this would need explicit permission from the customer as we cannot access the data ourselves.

If a criminal viral attack occurred on our servers, it is hard to see how the attacker could steal and access any data, but precautions both by us and the customer as detailed above would prevent the risk of this happening.

More information on the data processing agreement with this company can be accessed at <https://inm.datamove.cloud/page6.html>

4.1 Paper Data Processing

Paper documentation about children and their families is stored within locked filing cabinets or archived within a locked store cupboard. As we are a pack away setting our desk area is cleared each day and any paperwork including registers are all cleared away into locked areas. This information is available to parents'/carers on request.

Paper Data includes-

- Child's personal file including- Child registration and permission forms, 'all about me' document, 2-year progress check and progress reviews, records of medical needs or medication, information on Special Educational Needs and Disability, shared information from other professionals, logs of additional support and accident records.
- Attendance registers
- Records of plans and assessment to support children's learning
- Any 'Records of concern' relating to Safeguarding
- Records of complaints

Please see our 'Data Retention Policy' for more information.

Local Authority Parent Provider agreement

Parents claiming the 15 or 30-hour Government Funding for childcare are required to complete a 'Parent Provider agreement' which asks for identifiers such as parents names and National Insurance numbers, children's personal details and characteristics such as their ethnicity. This form is used by the management team who use the information to check eligibility and apply for the funding through the Early year's provider portal. Parent Provider agreements are kept in a secure locked filing cabinet. Please see our 'Data Retention Policy' for more information.

Displays

Parental permission is requested in our 'permissions' section of our child registration forms. This covers use of children's first name and photograph being used within the pre-school for displays of children's learning. Children's photographs and names are used to support both children and practitioners in a practical sense for example identifying coat pegs and Key Person boards.

In some cases, it is necessary for us to have lists visible for staff to remind them of children's medical/ care needs or allergies/dietary requirements. These pieces of information are put up in the environment sensitively and only display the child's first name with a very brief description of

their need. This is information that we feel is necessary to have available to practitioners to ensure that we can promote the welfare of all children.

Information is shredded once children no longer attend the setting. Please see our 'Data Retention Policy' for more information.

5. Procedure for processing of Personal Information

All staff, volunteers and committee members who process or use any personal information are responsible for ensuring that:

- Any personal information which they hold is kept securely in locked filing cabinets and cupboards. Where information is computerised, it must be password protected.
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party. Staff should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.
- All staff are responsible for checking that any information that they provide in connection with their employment is accurate and up to date. Staff have the right to access any personal data that is being kept about them, either on computer or in manual filing systems.
- Staff should be aware of and follow this policy and seek further guidance where necessary.
- We require staff, volunteers, and students to sign a declaration that they will adhere to our Confidentiality Policy.

6. Safe Storage and disposal of personal and sensitive Data

- Sensitive material is kept in locked filing cabinets, locked cupboards or password protected if held on a computer or electronic device.
- Personal and sensitive data must be shredded as soon as it is no longer needed. (Please see our 'Data Retention Policy' for information on how long documents need to be retained for).
- Staff members, committee members and volunteers must not share passwords which allow access to children's personal information or records for example, Tapestry Passwords.
- Once photographs are uploaded to Tapestry, they must be erased from tablets/iPad.
- Care should be taken to delete information from the tablets or the computer hard drive if they are to be sold or disposed of.
- All old emails, text messages, photographs and documents which are no longer of use are deleted in an appropriate time scale in line with our 'Data Retention Policy'.
- Pre-school laptops, iPads and mobile phones are password protected.

7. An Individuals Rights over information held about themselves

All employees, committee members, volunteers, parents, visitors, and other members of the public have the right to:

- know what information Brookside pre-school holds and processes about them and why.
- know how to gain access to it.
- know how to keep it up to date.
- know what Brookside Pre-school is doing to comply with its obligations under GDPR.

8. Access to personal records

Parents and staff may request access to any records held on themselves, child and family following the procedure below.

- Any request to see a child's personal file by a parent or person with parental responsibility must be made in writing to the pre-school manager.
- Any request from an employee to view their persona employment file must be made in writing to the pre-school manager.
- The pre-school commits to providing access within 14 days - although this may be extended if advised by outside agencies.

9. Information Sharing

In some circumstances we are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates if it is the public interest. For example when:

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

Information shared with other professionals via email will ideally be sent via a secure email system – Egress. Alternatively, the email address must be verified with a test email before sending documents. The documents must be password protected and the password must be emailed separately.

10. Working in Partnership with other Agencies

- We work in partnership with local and national agencies to promote the well-being of all children.
- Where possible we will always inform parents of any information we would like to share with other professionals and will gain their consent.
- Procedures are in place for sharing information about children and families with other agencies. We gain consent from parents/carers within our registration forms to share necessary information with other agencies to support children's welfare and to comply with our Safeguarding and Special Educational Needs Policy.
- Information shared by other agencies with pre-school is regarded as third-party information. This is also kept in confidence and not shared without consent from that agency.
- Pre-school staff are prohibited from casually sharing information or seeking informal advice about any named child/family.
- Where necessary we consult with local and national agencies who offer a wealth of advice and information that help us develop understanding of issues facing us and who can provide support and information for parents.

11. Transfer of records to school

We recognise that children sometimes move to another early years setting before they go on to school, although many will leave our setting to enter reception class.

We prepare children for these transitions and involve parents and the receiving school in the process. We prepare records about a child's development and learning in the Early Years Foundation Stage in our setting; to enable a smooth transition, we share appropriate information with the receiving school at transfer.

Transfer of development records for a child moving to another early years setting or school

- Using the Development Matters in the Early Years Foundation Stage guidance and our assessment of children's development and learning, the Key Person will prepare a summary of achievements in the seven areas of learning and development.
- The record refers to:
 - Any additional language spoken by the child and his or her progress in both languages
 - Any additional needs that have been identified or addressed by the setting
 - Any special needs or disability, whether a EHA was raised in respect of special needs or disability, whether there is a Statement of Special Educational Needs, and the name of the lead professional

Transfer of confidential information

- The receiving school or setting will need to have a record of any safeguarding or child protection concerns that were raised in our pre-school and what was done about them.
- A summary of concerns will be made to send to the receiving setting or school, along with the date of the last professional meeting or case conference.
- Where an EHA has been raised in respect of any welfare concerns, the name and contact details of the lead professional will be passed on to the receiving school or setting.
- Where there has been an investigation regarding a child protection concern, the name and contact details of the social worker will be passed on to the receiving setting or school – regardless of the outcome of the investigation.
- This information is posted or taken to the school or setting, address to the setting or school's designated person for child protection and marked 'confidential'.

12. Provider Records

We keep records for the purpose of maintaining the running of the pre-school for example, Risk Assessments, incident reports and pre-employment checks.

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

Our records are regarded as confidential based on sensitivity of information, such as regard to employment records and these are maintained with regard to the framework of the Data Protection Act and Human Rights Act.

- All records are the responsibility of the Manager who ensures they are kept securely.
- All records are kept in an orderly way in files and filing is kept up to date.
- Health and safety records are maintained; these include risk assessments, details of checks or inspections and guidance etc.
- Our Ofsted registration certificate is displayed.
- Our Public Liability Insurance certificate is displayed.
- All our employment and staff records are kept securely and confidentially.

13. Ensuring that data is accurate

Under the GDPR Brookside Pre-school are required to ensure that all information about children and their families is accurate and up to date. We regularly check that information is correct, and we prompt parents to check over their information and update any changes during parent's/carers evenings.

We notify Ofsted of any changes as follows:

- In the address of the premises
- To the name and address of the pre-school manager or management committee chairperson, or their contact information.
- To the name of the person managing the setting.
- Any significant event which is likely to affect our suitability to look after children or
- Any other event as detailed in the Statutory Framework for the Early Years Foundation Stage.

14. Data Retention

We have an obligation to inform our service users and staff about what information we hold about them, how long it is retained for and why. Please see our 'Data Retention Policy' for further information.

15. Data Breach

If a personal data breach occurred, we would need to establish the likelihood and severity of the resulting risk to people's rights and freedoms. This means that if the data breach was not dealt with in a timely manner, people could lose control of their personal data and rights. This could potentially result in financial loss, identity theft or fraud, loss of confidentiality regarding information which would normally only be accessible to relevant professionals, discrimination and any other information which could cause significant economic or social disadvantage.

Brookside Pre-school takes many measures to avoid potential security breaches. Any suspected notifiable breach of data would be reported to the ICO without undue delay, (no later than 72 hours after becoming aware of it).

16. Making a Complaint

The pre-school Manager takes responsibility for ensuring that the pre-school is committed to complying with GDPR.

If a parent, staff member, volunteer or committee member believes there has been a data breach, or that their data has not been processed appropriately they should take the following action:

As with all complaints we would always encourage firstly that you raise your concerns with the pre-school Manager. The pre-school Manager will discuss with the committee and agree if any further action is needed.

If you feel your complaint has not been adequately dealt with and would like to report your concerns to the Information Commissioners Office (ICO) or Ofsted the details are as follows:

Information Commissioners Office (ICO) - <https://ico.org.uk/for-organisations/report-a-breach/>

Ofsted – email: enquiries@ofsted.gov.uk Contact tel: 03001231231 Address: Piccadilly Gate, Store Street, Manchester, M1 2WD

References and further information

Corner-1 (2018) Article about GDPR and the Early Years <https://app.croneri.co.uk/feature-articles/what-general-data-protection-regulation-means-early-years-providers>

ICO Website- <https://ico.org.uk/>

Links to;

The Statutory Framework for the Early Years Foundation Stage (2023)

Section 3 – The Safeguarding and Welfare Requirements

Legal Framework

General Data Protection Regulation (2018)

Human Rights Act (1998)

Freedom of information Act (2000)

Children’s Act (2004)