



General Data Protection Policy

Written by: Wendy Precious
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GDPR – GENERAL DATA PROTECTION REGULATION

GDPR came into effect on 25 May 2018, and it replaced current the Data Protection Act (DPA) legislation. It is intended to provide greater transparency around the collection and use of data. The scheme will be governed by the Information Commissioner's Office (ICO). 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.

Our Data protection officer is: Simone Pattison - Manager
Our Data collection officers are: Rachel Duncombe - Deputy Manager
Caroline Passfield - Financial Administrator

At Mulberry Pre-school we take the collection and storage whether it is on paper or in electronic format very seriously. We ensure that all data is collected and stored in accordance with the six principles of the GDPR 2018; the six principles are:

Personal data shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary.
- 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.
- 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.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing.

Under GDPR people will continue to have the right to a Freedom of Information request (FOI) – from bodies dealing with public money or a Subject Access Request (SAR) - anyone can request data from anyone else.

At Mulberry Pre-School we only collect information that is required by law for us to operate our Pre-school by following safe and lawful procedures. We collect and store the following information:

Personal data

This is classed as any data which can be linked to a single person and can identify them. Examples include a name, email address, postal address, telephone numbers, bank accounts and photos. We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Pre-school can fulfil a contract with the individual, or the individual has asked the Pre-school to take specific steps before entering into a contract.
- The data needs to be processed so that the Pre-school can comply with a legal /Ofsted obligation.
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life.
- The data needs to be processed so that the Pre-school can carry out its official functions.
- The data needs to be processed for the legitimate interests of the Pre-school or a third party (provided the individual's rights and freedoms are not overridden).
- The individual (or their parent/carer when appropriate in the case of an enrolled child at the Pre-school) has freely given clear consent.

For the majority of data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage.

Some data we collect, for example, photographs, requires parents to give consent for us to do so. Where this is the case, parents will be required to enter this on the data collection form and are made aware that they have the right to withdraw their consent at any time. We may also be required to collect data as part of parent's contract with the setting or local authority, for example, for us to claim government funding.

It is the parent/carer's responsibility to ensure the data provided is kept up to date.

Visitors to the pre-school

All visitors are required to sign the register with their name, reason for visit, time of visit and company. This information is required for health and safety purposes only. It is stored with all our records and not shared unless we are legally obliged to.

Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a child or parent/carer that puts the safety of our staff at risk.
- We need to liaise with other agencies – we will seek consent as necessary before doing this.
- We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:
 - The prevention or detection of crime and/or fraud.
 - The apprehension or prosecution of offenders.
 - The assessment or collection of tax owed to HMRC.
 - In connection with legal proceedings.
 - Where the disclosure is required to satisfy our safeguarding obligations.
- Upon a child leaving the Pre-school for either a new setting or school, information will be shared. It will either be sent electronically or printed and given to the parents/carers to pass onto the new setting.

The right to access

At any point, an individual can make a request to view their data. Mulberry Pre-school will need to respond to a request within one month. Mulberry Pre-school can refuse a request if there is a legal reason for doing so; i.e. from Ofsted or in relation to the EYFS. The pre-school will always inform the individual the reasons for rejection. The individual has the right to complain to the ICO if they are unhappy with the decision.

Data retention

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see a copy of the 'retention periods for records' (appendix A).

Ensuring compliance

The member of staff responsible for ensuring that the setting is compliant is the Manager. Their main duties are:

- Ensure that the provision is compliant with GDPR.
- Audit all personal data held.
- Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.
- Undertake investigations when there is a breach of personal data and report to the Information Commissions Office, ICO.
- Keep up to date with the legislation.

Security

We keep data about all individuals secure and aim to protect data against unauthorised change, damage, loss or theft. All data collected is only accessed by authorised individuals. All paper forms are kept locked away and all computers and tablets are password protected. All staff, students, volunteers and committee members are required to read the Pre-school's confidentiality policy before they commence their role. Should a breach of these policies occur then an investigation will take place.

Legal framework

Guide to the General Data Protection Regulation (GDPR) 2018.
Statutory framework for the early year's foundation stage 2021.
Freedom of Information Act 2000.

Read in conjunction with the Pre-school's confidentiality policy.

This policy was passed by the committee on: _____

Chairperson (sign) _____

Chairperson (write name) _____

Manager (sign) _____

Manager (write name) _____