**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 comes into effect on 25th May 2018.

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.

Kingfisher Kindergarten 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.

Kingfisher Kindergarten Limited is registered with the ICO (Information Commissioners Office) and has been registered since 2015. Certificates are on display on the parent’s information boards.

**GDPR includes 8 rights for individuals**

1. **The right to be informed**

Kingfisher Kindergarten 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 Oxfordshire County 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, Kingfisher Kindergarten 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 UK CRBs for the processing of DBS checks.

1. **The right of access**

Kingfisher Kindergarten Ltd is a company registered in England & Wales. Registration No: **06559743** Registered Office: 15 Grove Cottages, Emmer Green, Reading, RG4 8RB

Kingfisher Kindergarten Ltd, Maiden Erlegh Chiltern Edge School, Reades Lane, Sonning Common, Reading RG4 9LN

Telephone 07894966562

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



Kingfisher Kindergarten 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.

1. **The right to rectification**

Individuals are entitled to have their personal data rectified if inaccurate or incomplete and we will respond to a rectification request within one month if not deemed complex. We will also inform related third parties where possible if the personal data is disclosed to them also.

1. **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, Kingfisher Kindergarten Limited has a legal duty to keep children’s and parents details for a reasonable time\*, Kingfisher Kindergarten Limited retain these records for 3 years after leaving pre-school, 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 in a locked room at Nursery and shredded after the legal retention period. A copy of this Risk Assessment can be provided upon request.

1. **The right to restrict processing**

Parents, visitors and staff can object to Kingfisher Kindergarten 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.

1. **The right to data portability**

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

1. **The right to object**

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

1. **The right not to be subject to automated decision-making including profiling**

Automated decisions and profiling are used for marketing based organisations. Kingfisher Kindergarten Limited 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 and in a locked filing cabinet. 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.

Kingfisher Kindergarten Ltd is a company registered in England & Wales.



Kingfisher Kindergarten 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 an external hard drive and in paper format, this information is kept in a locked office at Kingfisher Kindergarten Ltd and in a locked filing cabinet. These records are shredded after the relevant retention period.

Upon a child leaving Kingfisher Kindergarten 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 post or physically taken.

Kingfisher Kindergarten Limited stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has been obtained via the Media consent form. No names are stored with images in photo albums, displays, on the website or on Kingfisher kindergarten Limited’s social media sites.

Access to all Office computers 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.

Kingfisher Kindergarten 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

Early Years Settings are sometimes required to pass on some of this information to other groups such as:

* Local Authorities (LA’s)
* Department for Children, Schools and Families (DCSF)
* The Qualifications and Curriculum Authority (QCA)
* Her Majesty’s Chief Inspector for Schools
* Ofsted
* The National Assessment Agency (NAA)
* The Secretary of State for Children, Schools and Families

Children have rights under the Data Protection Act 1998, including a general right to be given access to personal data held about them.

This Policy was adapted at a meeting at Kingfisher Kindergarten 2018

Signed on behalf of Kingfisher Kindergarten

La-Ryne Baker, Owner

Signed………………………………………Date…………………………..

Print Name…………………………………………..

 June 2019 Review Date

\*

please see attached Preschool Learning Alliance Retention periods for records.

**Retention period for records**

|  |  |  |  |
| --- | --- | --- | --- |
| Children’s Records | Retention Period | Status | Authority |
| Children’s records - including registers, medication record books and accident record books pertaining to the children | A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection) | Requirement | Statutory Framework for the Early Years Foundation Stage (given legal for by Childcare Act 2006) |
| Until the child reaches the age of 21 – or until the child reaches the age of 24 for the child protection records | Recommendation |
| Limitation Act 1980Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age |
| Records of any reportable death, injury, disease or dangerous occurrence | 3 years after the record was made | requirement | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended) |
| 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 Personal and Development |
| DBS Check | 6 months | Recommendation | DBS Code of PracticeThe following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken |
| Pay |  |  |  |
| Wage/salary records (including overtime, bonus and expenses) | 6 years | Requirement | Taxes Management Act 1970 |
| Statutory Maternity Pay (SMP) Records | 3 years after the end of the tax year to which they relate | Requirement | The Statutory Maternity Pay (General) Regulations 1986 |
| Statutory Sick Pay (SSP) records | 3 years after the end of the tax year to which they relate | Requirement | The Statutory Sick Pay (General) Regulations 1982 |
| Income Tax and National Insurance returns/records | At least 3 years after the end of the tax year to which they relate | Requirement | The Income Tax (employments) Regulations) 1993 (as amended) |
| Redundancy details calculations of payments, refunds, notification to the Secretary of State | 6 years after employment ends | Recommendation | Chartered Institute of Personnel and Development |
| Health and Safety |  |  |  |
| Staff accident records (for organisations with more than 10 employees | 3years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances) | Requirement | Social Security (Claims and Payments) Regulations 1979 |
| Records of any reportable death, injury, disease or dangerous occurrence | 3 years after the date the record was made | Requirement | The Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended) |
| Accident/Medical Records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) | 40 years from date of last entry | Requirement | The Control of Substances Hazardous to Health Regulations 2002 (COSHH) |
| Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees | Permanently | Recommendation | Chartered Institute of Personnel and Development |
| Financial Records | Retention Period | Status | Authority |
| Accounting Records | 3 years from the end of the financial year for private companies, 6 years for public limited companies  | Requirement | Companies House 2006 |
| Administration of records | Retention Period | Status | Authority |
| Employers Liability insurance records | For as long as possible | Recommendation | Health and Safety Executive |
| Minutes/minute books | 10 years from date of the meeting for companies | Requirement | Companies Act 2006 |



**Useful publications**

More detailed information on retention of financial records is provided in Financial Management

(Ref: A119) Pre-school Learning Alliance, which can be ordered from www.pre-school.org.uk/shop.

The Pre-school Learning Alliance is the largest and most representative early years membership organisation in England. An educational charity, the Alliance represents the interests of over 14,000 member settings who deliver care and learning to over 800,000 families every year. We offer information and advice, produce specialist publications, run acclaimed training and accreditation schemes and campaign to influence early years policy and practice.

T. 020 7697 2595 E. info@pre-school.org.uk W. www.pre-school.org.uk