



Administration

Data Protection and Information Security Policy

The Pre-School collects and uses personal information about staff, Trustees, volunteers, pupils and parents. The data is stored in compliance with the statutory framework (EYFS 2021) to deliver services to our families.

This information is collected so that the Pre-School can provide its services in a secure environment with appropriately qualified and employed staff. Pre-Schools have a legal requirement to gather, process and share information to enable the Pre-School to meet its statutory obligations.

Policy statement

The purpose of this policy is to ensure the Pre-School (Trustees, Senior Leaders and Staff) has identified how it will collect, secure, process, share and erase data in accordance with the requirements of the General Data Protection Regulation 2018.

7 Key features of effective practice

The best for every child	High quality care	The Curriculum	Pedagogy	Assessment	Self-regulation and executive function	Partnership with Parents
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007446/6.7534_DfE_Development_Matters_Report_and_illustrations_web_2_.pdf						

This policy relates primarily to the personal data of individuals that would enable them to be identified directly or indirectly by an identifier such as:

- Name
- Date of birth
- Address
- Email address
- Photographs
- National Insurance number
- DBS numbers
- Medical information
- one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of the individual.

Sensitive Personal data (Special Category Data) requires extra protection and includes any information that may identify any of the following information about the individual:

- racial or ethnic origin
- political opinions,

- religious or philosophical beliefs,
- trade union membership,
- health,
- sex life/orientation
- genetic/biometric identifier

1. The Regulator

The Information Commissioner's Office is responsible for:

- overseeing compliance with Data Protection legislation
- supporting organisations to become compliant
- enforcing the legal processing of data
- investigating complaints where organisations are not compliant

Pre-Schools must register with the ICO and maintain a current record of the information it is processing, the legal basis for processing the information and who it is being shared with.

2. Compliance with the Principles of GDPR

The Pre-School will ensure all information collected, processed, shared and stored complies with the principles of GDPR. This means Personal Identifiable Information will be:

- processed lawfully, fairly and in a transparent manner
- collected and used only for the legitimate purpose it was collected
- only collected if required for the legitimate purpose
- accurate and where required, rectified without delay
- kept only as long as it is required in accordance with the Pre-School's retention schedule
- appropriately secured against unauthorised or unlawful processing, accidental loss, destruction, or damage
- processed in accordance with the rights of data subjects
- processed in the European Economic Area unless additional protection has been put in place

3. The Pre-School's commitment to the principles of GDPR

The Pre-School is committed to maintaining the GDPR principles at all times and will:

- Inform individuals why their information is being collected
- Inform individuals when their information is shared, why it is being shared and with whom
- Check the quality and the accuracy of the information it holds
- Only retain information for as long as it is required
- Erase data securely when no longer required
- Ensure safeguards are in place to protect personal information from loss, theft, and unauthorised disclosure
- Only share information when it is legally appropriate to do so
- Enable access to individual records through its Subject Access Request process
- Ensure all staff understand the Pre-School's policies and procedures

4. Responsibilities

All employees, Trustees, and any other individual handling personal information on behalf of the Pre-School have a responsibility to ensure that they comply with Data Protection legislation and the Pre-School's policies.

The Pre-School ensures that all staff who are involved in processing personal data undertake training as part of their induction and the Pre-School provides mandatory data protection training as part of its safeguarding responsibilities.

Staff should maintain confidentiality at all times, ensuring personal or sensitive personal information is not discussed in a public area. Notes of observations and conversations should contain only relevant information and should be securely stored.

5. The legal basis

The Pre-School will comply with all relevant UK and European Union legislation, including:

- Human Rights Act 1998
- Data Protection Legislation (Data Protection Act 1998, GDPR, Data Protection Act 2018)
- Freedom of Information Act 2000
- Common law duty of confidence
- Copyright, Designs and Patents Act 1988
- Computer Misuse Act 1990
- Health and Safety at Work Act 1974
- Privacy and Electronic Communications (EC Directive) Regulations 2003

6. Keeping Data Safe

Before introducing a new policy, procedure, system or database involving personal data the Pre-School will complete a Data Protection Impact Assessment (DPIA). The DPIA will identify any potential risks of harm to individuals through the misuse of their personal information, allowing these risks to be reduced. A DPIA will be conducted in all cases where processing is likely to result in a high risk to individuals.

Personal information will be:

- Kept in a locked filing cabinet or drawer if it is in a paper format
- Kept secure through passwords if it is in an electronic format
- Kept only on secure storage devices

7. Provision of Individual Rights of the data subject

7.1. Right to be Informed

The Pre-School's Privacy Notices explain what information is being processed, the legal basis for processing, the purpose of processing, who the information is shared with and the schedule detailing how long the information is held. The Privacy Notice for Parents and Pupils is available on the Pre-School's website.

7.2. Right of Access

Individuals have the right to request access to information relating to them. This right is called a Subject Access Request. An individual can request information by submitting a request in writing to the Pre-School.

Parents may make requests on behalf of their children as they are under the age at which they can give their own consent.

An application on behalf of anyone lacking mental capacity who would otherwise have the right to request access to their records may be made where a nominated person making the application can provide a Lasting Power of Attorney or an Enduring Power of Attorney or proof of Court-appointed Deputyship.

Only information relating to the individual will be disclosed as part of a subject access request.

Any information that may prejudice the prevention and detection of crime may be exempted from disclosure. There are also a number of other exemptions which may be applied, and these will be explained on an individual basis.

An individual can make a Subject Access Request by contacting the Pre-School office.

Requests will be processed within 1 month of receipt. However, where a request may be considered complex the applicant will be notified of this within the initial 1-month period and a response will be provided within a further 2 months. A complex case may be as follows:

- retrieval and appraisal of information from multiple sources
- retrieval of large volumes of information for one data subject
- which are difficult to separate from information relating to other data subjects
- it is one in a series of requests from the same individual
- it involves the release of third party data for which consent has been
- refused or cannot be obtained under the Right to object

7.3. Right to object

Data subjects have the right to object to their information being processed if they do not believe there is a legitimate legal basis for processing, or their data is being shared without a legitimate purpose.

7.4. Right to rectification

Individuals have the right to have any personal data rectified if it is incorrect. This includes the need to ensure that the data held is complete.

7.5. Right to restriction

Individuals have the right to request the temporary restriction of the processing and access to their data. This might apply when:

- the accuracy of data is being established,
- confirming the validity of an objection to the Pre-School processing the data.
- data has been processed unlawfully but the data subject does not want it erased.
- it is no longer required by the Pre-School but the individual has requested the information be retained in connection with a legal claim.

The right to restrict data does not apply if the Pre-School requires the information in connection with a legal claim of there is a legal basis for continuing to process the data.

7.6. Right of erasure

Where there is no justification for the continued use of an individual's data, they may ask for it to be erased. Data may be erased when:

- It is no longer required for the purpose for which it was collected
- Consent for the original processing has been withdrawn, including parental consent given on behalf of a child, who no longer wishes the data to be held
- It has been processed without a legitimate legal basis
- There is a legal requirement to erase the data

The Pre-School will decline a request for erasure when:

- A legitimate legal basis exists for processing the data
- The information is required for public health reasons
- The data is required for historic, statistical, or archiving activities
- The data is required in connection with a legal claim

7.7. Right to portability

Where data is held electronically, forms part of a contract and consent for processing has been given by the individual – individuals can ask for their data to be transferred electronically to another organisation.

7.8. Automated Processing

The Pre-School does not use IT systems to make automatic decisions based on personal data.

8. Data Protection Breach

The Pre-School will take all preventable steps to hold and process individual data securely. In the unlikely event of a breach, the Pre-School has a data breach management process which all staff are aware of and have received appropriate training so they can recognise and react appropriately to a data breach. All breaches of Data Protection legislation will be reported to the Pre-School's Data Protection Officer who will ensure the process is adhered to and ensure breaches are reported to the ICO where necessary.

9. Information security

Information that is confidential but does not relate to an individual or individuals includes the following:

- Pre-School business or corporate records containing organisationally or publicly sensitive information
- Any commercially sensitive information such as information relating to commercial proposals or current negotiations
- Politically sensitive information
- Information relating to security, investigations, and proceedings
- Any information which, if released, could cause problems or damage to individuals, the public, the Pre-School, or another organisation. This could be personal, financial, reputation or legal damage.

The Pre-School's Information Security Policy covers the creation, acquisition, retention, transit, use, and disposal of all forms of information.

It applies to all employees, Trustees, volunteers, and staff of service delivery partners who handle information for which the Pre-School is responsible. It forms the basis of contractual responsibilities in contracts with Data Processors where reference is made to the Pre-School's Data Protection and Information Security Policy.

The Pre-School will maintain the confidentiality, integrity and security of all data ensuring it is gathered, secured, stored, shared, and erased in accordance with the data protection regulation. The Pre-School will review its data protection policies as part of its governance process. It will also check the effective implementation of these policies through the regular Safeguarding Audits.

Information systems will be checked regularly for technical compliance with relevant security implementation standards.

Operational systems are subjected to technical examination to ensure that hardware and software controls have been correctly implemented.

10. Management of Information

The Pre-School will manage information in accordance with the principles and procedures within this policy and other relevant policies and standards. The following principles apply to how we handle information in the Pre-School:

- All identifiable personal information is treated as confidential and will be handled in accordance with the relevant legal and regulatory protocols.
- All identifiable information relating to staff is confidential except where national policy on accountability and openness requires otherwise.
- Procedures will be maintained to ensure compliance with Data Protection legislation, The Human Rights Act 1998, the common law duty of confidentiality, the Freedom of Information Act 2000 and any other relevant legislation or statutory obligation.
- Information is recorded, used, and stored to protect integrity so that it remains accurate and relevant at all times.

11. Pre-School records

We will create and maintain adequate pupil, staff, and other records to meet the Pre-School's business needs and to account fully and transparently for all actions and decisions. Such records can be used to provide credible and authoritative evidence where required; protect legal and other rights of the Pre-School, its staff and those who have dealings with the Pre-School; facilitate audit; and fulfil the Pre-School's legal and statutory obligations.

Records will be managed and controlled effectively to fulfil legal, operational and information needs and obligations in the most cost-effective manner, in line with the pre-school's record management procedures.

12. Contacts

If you have a query regarding this policy, please contact the Pre-School office in the first instance.

The Data Protection Officer for the Pre-School is:
Shereen Milledge, supported by Avensure – HR Company: 0330 100 8704

BenMcCarthy@avensure.com
www.avensure.com
St Johns House, 2 10 Queen Street, Manchester, M2 5JB

Office of the Information Commissioner
The Information Commissioners, Wycliffe House, Water Lane
Wilmslow, Cheshire, SK9 5AF website: www.ico.gov.uk

This policy forms part of a suite of policies that the Pre-School has in place to meet the requirements of the General Data Protection Regulation 2018.

Other documents in this suite include:

- Privacy Notice for Parents and Pupils
- Privacy Notice for Staff and Volunteers
- Pre-School Retention Schedule
- Subject Access Request Form
- Breach Management Form
- Record of Processing Activity

This Policy was reviewed by	Shereen Millegde
Adopted by	Rotherfield Village Pre-School Staff and Directors
Date	November 2022
Review Date	November 2024 or before if required