

Butterflies Montessori Nursery

General Data Protection Regulation (GDPR) Policy (Information Sharing/Data Protection)

Introduction:

Butterflies Montessori Nursery needs to keep certain information about the children who attend and their parents/guardians, employees, volunteers and to satisfy its obligations to Ofsted and other regulatory bodies to enable it to monitor performance and achievements.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Butterflies Montessori Nursery must comply with the Data Protection Principles which are set out in the General Data Protection Regulations (GDPR) 2018.

This responsibility is not restricted to sensitive data but applies to all data, including name and address lists.

GDPR establishes very high standards for the handling of personal information, thereby protecting individual rights to privacy. GDPR regulates how personal information is collected, handled, stored and used and applies equally to personal information held both electronically and on paper.

Butterflies Montessori Nursery has notified the Information Commission (ICO) that it holds personal data about individuals and consequently is registered under the new GDPR. All persons dealing with personal data must therefore follow the principles of good information handling.

In summary these state that personal data must be:

- obtained and processed fairly and lawfully;
- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose; adequate, relevant and not excessive for that purpose;
- accurate and kept up to date;
- not be kept for longer than is necessary;
- processed in accordance with the data subject's rights;
- kept safe from unauthorised access, accidental loss or destruction;
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All Butterflies Montessori staff and volunteers who process or use any Personal Information must ensure that they follow these principles at all times. Access to information will only be to the extent required by the task being undertaken and will also be restricted to those persons recognised by nursery management as requiring such access to information in the course of their duties and responsibilities. In the event of any breach of information security, no matter how minor, it must immediately be reported to nursery management to enable appropriate investigation and, if necessary a review of the adequacy of existing information security measures.

In order to ensure that this happens, Butterflies Montessori Nursery has adopted this **Data Protection GDPR Policy**. Any member of staff or volunteer, who considers that this policy has not been followed in respect of personal data about him/herself, should raise the matter with the Designated Data Controller initially. If the matter is not resolved it should be raised as a formal grievance.

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Notification of Data Held and Processed:

All parents/guardians, employees, volunteers and work placement students and other members of the public have the right to:

- know what information Butterflies Montessori Nursery holds and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date;
- know what Butterflies Montessori Nursery is doing to comply with its obligations under GDPR.

The Data Controller and the Designated Data Controller:

Butterflies Montessori Nursery is the Data Controller under GDPR, and the nursery is therefore ultimately responsible for implementation. The designated Data Controller is: Michele Dann (Manager).

Information Held:

Personal information is defined as any details relating to a living, identifiable individual. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

Who processes your information?

Butterflies Montessori Nursery is a 'Data Controller' of the personal information you provide to us.

Within Butterflies Montessori Nursery this applies to parents/guardians, children, employees, volunteers and work placement students and other members of the public such as job applicants and visitors. We need to ensure that information relating to all these people is treated correctly and with the appropriate degree of confidentiality.

The information held may include an individual's name, postal, e-mail and other addresses, telephone numbers, organisational roles and membership status.

Personal Information is kept in order to enable Butterflies Montessori Nursery to complete the legal statutory requirements for enrolment purposes. This is collected upon application for enrolment into the setting, employment, and for other relevant purposes for the effective delivery of services to its children and parents/carers.

Some Personal Information is defined as Sensitive Data and needs to be handled with special care (see below).

Processing of Personal Information:

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

- any personal information which they hold is kept securely
- personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

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Personal information should be:

- kept in a locked cabinet.
- if it is computerised, be password protected

Telephone Conversations and Meetings:

If personal information is collected by telephone, callers should be advised what that information will be used for and what their rights are according to the act.

Personal or confidential information should preferably not be discussed in public areas of Butterflies Montessori Nursery work premises. Wherever possible, visitors should be escorted and not be permitted to wander about the premises on their own. If possible, visitors should subsequently be escorted out of the premises when the meeting is over. All staff should be aware of the difficulties of ensuring confidentiality in an open plan area and respect the confidential nature of any information inadvertently overheard. Any notes taken during or after an interview should be of relevance and appropriate. It is recommended that such notes are subsequently filed in a legible and coherent manner and that informal notes are retained for a short period (1 year), in a secure place, before being shredded.

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 Butterflies Montessori Nursery.

Publication and Use of Butterflies Montessori Nursery Information:

Butterflies Montessori Nursery aims to make as much information public as is legally possible. In particular information about Butterflies Montessori Nursery staff will be used in the following circumstances:

- Butterflies Montessori Nursery may obtain, hold, process, use and disclose information in connection with the administration, management and business activities of Butterflies Montessori Nursery, including making and keeping lists of members and other relevant organisations
- Butterflies Montessori Nursery may publish information about Butterflies Montessori Nursery and its members including lists of members, by means of newsletters or other publications but with written consent.
- Butterflies Montessori Nursery may confirm to any third party whether or not any person is a member of Butterflies Montessori Nursery if deemed necessary i.e. in the case of Safeguarding or in the best interest of the child.
- Butterflies Montessori Nursery may provide approved organisations that have the legal right with lists of names and contact details of members or other relevant organisations only where the members or other relevant organisations have given their consent.
- Photographs of key staff may be displayed at Butterflies Montessori Nursery and placed on the website with their consent.

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- Butterflies Montessori Nursery internal staff contact list will not be a public document and information such as mobile telephone numbers or home contact details will not be given out, unless prior agreement has been secured with the staff member in question.

Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Designated Data Controller.

Sensitive Information:

Sensitive information is defined by the Act as that relating to ethnicity, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, criminal proceedings or convictions. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

Disposal of Confidential Material:

Sensitive material should be shredded. Particular care should be taken to delete information from computer hard drives if a machine is to be disposed of or passed on to another member of staff.

Staff Responsibilities:

All staff are responsible for checking that any information that they provide to Butterflies Montessori Nursery 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 paper format/Personal file. Staff should be aware of and follow this policy, and seek further guidance where necessary.

Duty to Disclose Information:

There is a legal duty to disclose certain information, namely, information about: Child abuse, which will be disclosed to social services, or acts of terrorism which will be disclosed to the police.

Retention of Data:

Butterflies Montessori Nursery will keep some forms of information for longer than others. In general information about children/parents/guardians will be kept for a minimum of one year after they use the services, unless other bodies, such as funders, require Butterflies Montessori Nursery to keep the information longer.

Butterflies Montessori Nursery will also need to retain information about staff. In general, all information will be kept for six years after a member of staff leaves Butterflies Montessori Nursery. Some information however will be kept for much longer, this will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information required for job references. A full list of information with retention times is available in the **GDPR Retention periods for record** (attached to this policy)

A **GDPR Privacy Notice** will be displayed.

Sharing information with others:

Sometimes we have to confirm or share information with other organisations. If we need to do this, we will make it clear to you on the forms you complete giving us the information. We will draw up an agreement with the organisation that we need to share the information with as appropriate. This is so that both sides understand why the information is being passed on, and what use can be

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made of it. In some cases, a third party organisation, such as a funding body, may draw up the agreement.

Information quality:

We will make sure that the information about you is accurate and up to date when we collect or use it. You can help us with this by keeping us informed of any changes to the information we hold about you.

Information security:

We will keep information about you secure. We will protect your information against unauthorised change, damage, loss or theft.

Keeping information:

We will hold information about you only for as long as the law says. After this, we will dispose of it securely and properly.

Openness:

We will tell you what kinds of information we hold and what we do with it.

Access and correctness:

Whenever possible, we will let you see the information we hold about you and correct it if it is wrong.

In general:

We will comply with GDPR and any subsequent legislation on information handling and privacy.

We will help you with any questions or problems that you may have with GDPR 2018, the Human Rights Act 1998 or the Freedom of Information Act 2000. If we cannot help you, we will give you advice on where to write to get the information you may need.

Our Commitment:

We will only collect information that is necessary for what we do. We will be fair in the way we collect information about you. We will tell you who we are and what we intend to do with the information about you. Where practicable, we will collect information directly from you. If we collect information about you from someone else, we will make sure you know that we have done this whenever possible.

This policy was reviewed: April 2023

(Policies dated and signed by Manager in nursery 'Policy and Procedure File')