



Data Protection Policy Privacy Notice

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Statement of Intent

The Senior Data Protection Leads with responsibility for monitoring this Privacy Notice are the Springwood's Owner and Springwood's Early Years Advisor.

Springwood will record, process and keep personal data on you and your child and on those, we employ to work as, or are otherwise engaged to work as, part of our workforce. This in accordance with Article 9 – 'processing of special categories of personal data' under the General Data Protection Regulation 2016 and Data Protection Act 2018 (the Data Protection Legislation).

It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies are met. We intend to meet all the requirements of the General Data Protection Regulations 2016 when collecting, storing, sharing and destroying personal data.

Springwood processed the information about:

- our employees and visitors
- the children in our care and their close and far families
- advisers, complainants, enquirers, outside professionals
- School's staff
- suppliers

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully or illegitimately. To do this, Springwood Preschools and Nurseries must comply with the Data Protection Principles. 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 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 Springwood Preschools and Nurseries staff, volunteers, visitors and parents/carers who process or use any Personal Information must ensure that they follow these principles at all times. In order to ensure that this happens, Springwood Preschools and Nurseries has adopted this Data Protection Policy.

Notification of Data Held and Processed

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

- know what information Springwood Preschools and Nurseries hold and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date;
- know what Springwood Preschools and Nurseries are doing to comply with its obligations under the Act.

The Data Controller and the Designated Data Leads

Each Springwood provision is the Data Controller under the Act, and each setting is therefore ultimately responsible for implementation. However, Designated Data Leads will deal with day to day matters. For Springwood Preschool Copnor; Copnor Methodist Church, Epworth Road, Copnor, Hampshire, PO3 5BT - Designated Data Leads are:

- Preschool Manager
- Deputy Manager

Karolina – EY Advisor
 Rachael – Owner

Personal Record and Developmental record

Springwood collect, hold and share two kinds of records on children attending our setting and staff. Those records are either stored as hard copies (paper), electronic copies (laptops, tablets, application’s servers, or electronic portable devices) or both. Developmental records are e.g child’s assessments and for staff, e.g supervision record. Personal Information is defined as any details relating to a living, identifiable individual. Within Springwood this relates to employees; attending children and their families; director; professional visitors; and some members of the public e.g. job applicants. We need to ensure that the information gained from each individual is kept securely and to the appropriate level of confidentiality.

The personal and developmental information collected from individuals could include:

“Sensitive” Personal Data is underlined

SPECIFIC TO EVERYONE:

| | |
|---|---|
| <ul style="list-style-type: none"> • Their full name • Date of birth • Address – current and past • IDs, Passports copies and number • Birth Certificate copies and number • Marriage certificates - copies and numbers • Utility bills – copies and numbers • Work place details – current and past • Qualifications – copies and number • Bank/Account details • Email address • Telephone numbers-including those of emergency contacts • <u>Medical information – GPs, medication, health reports</u> • Lifestyle and social circumstances • National Insurance number • DBS numbers • School’s staff DBS details within we provide the service • <u>Coronavirus (COVID-19)</u> | <ul style="list-style-type: none"> • <u>Conviction and criminal proceedings – copies</u> • <u>Court Orders – copies</u> • <u>CCTV Recording</u> • Attendance information • Observations of children’s progress (learning journals) • Children’s reports, - early years provision, <u>medical</u> or from outside professionals -copies • Photographs – hard copies and digital images • <u>Family medical history when necessary</u> • Details of family members and next of kin details • Correspondence and reports – including letters and emails to and from other agencies and any confidential reports relating to specific children. • Written and oral feedbacks • <u>Characteristics (such as ethnicity, language, nationality, gender, religious belief, political opinions, physical or mental health, medication, sex life, some substances intake)</u> • Signatures |
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SPECIFIC TO CHILDREN

SPECIFIC TO STAFF

| | |
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| <ul style="list-style-type: none"> • Developmental information collected prior to the child starting at the setting • A copy of the child’s Two Year Old Progress Check • Observations of children in the setting, photographs, video clips, samples of work and developmental assessment records. • A summary of the child’s EYFS profile report or assessments. • Contractual matters – including the child’s days and times of attendance, a record of the child’s fees and/or funding entitlement, any records of fee reminders and/or disputes • Emergency contact details – including those people, other than parents/guardians with authorisation to collect the child from the setting. • <u>Children’s health and well-being</u> – including discussions about every day matters regarding the health and well-being of the child with the parent/guardian, records of accidents and medication records. • Safeguarding and child protection concerns – including records of all welfare and protection concerns and our resulting actions, meetings and telephone conversations about the child and any information regarding a Looked After Child. | <ul style="list-style-type: none"> • Contractual matters – including attendance, records of absence, suitability screening information, qualifications, right to work documentation, wage records, records of disputes and any resulting disciplinary action. • Health and well-being – including discussions about every day matters, the health and well-being of the employee, records of accidents and incidents, minutes of supervision meetings, annual appraisals. • Safeguarding concerns – including allegation records of all welfare, investigation minutes, and our resulting actions, convictions, reports from organisation with statutory rights. |
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| <ul style="list-style-type: none">• Early support and SEN – including any focussed intervention provided by our setting, a record of the child’s IEP and, where relevant, their Statement of Special Education Need. | |
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How we use this information

Springwood Preschools and Nurseries store and use personal information to comply with the statutory framework (EYFS 2017); to deliver services to our families e.g. government funding; to employ suitable people for our setting.

We use this data to:

- Support children’s learning
- Make assessments on children’s development
- Safeguard the children in our care in accordance with relevant legislation
- In the course of managing employment with us
- To assist in the running of the setting
- To enable individuals to be paid
- To inform the development of our recruitment and retention policies
- To allow better financial modelling and planning
- To ensure the best possible care and support is offered to everyone
- To provide appropriate medical care
- To assess the quality of our service
- To employ suitable people
- To comply with the EYFS, government legislations and to have legitimate interest when collecting, sharing and storing data.

Processing of Personal Data

All staff, volunteers, or parents/carers who process or use any kind of Personal Data 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 must sign the confidentiality agreement and Off site handling of Staff’s and Children’s Information.

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

The right to restrict processing

Parents, staff and third party can object to the processing of some of their data. This means that your records can be stored, but must not be used in any way. This can be only be out ruled by the law.

Storing Data

Personal information should be:

- Kept in a locked filing cabinet; or
- In a locked cupboard; or
- If it is computerised, be password protected;
- Kept on a storage device which is itself kept securely; Occasionally Tapestry can be access at staff’s homes and that is always password protected and no third party must have access to it.
- These confidential records are stored at Methodist Church, Epworth Road, Copnor, Hampshire, PO3 5BT. Occasionally they may be taken off the site e.g child protection meeting notes, learning journals and may be stored at staff’s personal house if it is not possible to return them to the setting on the same day.

Conversations and Meetings

Information of a personal or confidential nature should not be discussed in a public area, in front of anyone that is not an employee of the preschool/nursery. Springwood’s employees, parents/carers or third parties involved in business should be aware of confidentiality at all times when discussions are taking place, either distancing themselves from the conversation if it does not concern them, or, ensuring that their discussion is not overheard by others. All staff, parent/carers or third parties should respect the confidential nature of any information inadvertently overheard.

When meetings are being recorded it is important that only relevant information is written down. This must be carried out using the correct forms provided by the setting, notes must be written legibly and coherently. The written notes are then to be sign by all involved and stored in a locked cupboard and disposed of (shredded) in a timely manner.

Collecting Information

Whenever information is collected about children and their families or 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 provision.

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. We will inform you whether you are required to provide certain information to us or if you have a choice in this.

We may use your personal data in the following ways:

- to ensure that the information we hold about you is kept up-to-date;
- to deal with any Employee/employers related disputes that may arise;
- for assessment and analysis purposes to help improve the operation of, and manage the performance of, our business;
- to prevent, detect and prosecute fraud and other crime;
- for any other purpose for which you give us your consent to use Personal Data;
- to comply with legal obligations e.g. EYFS, HMRC, pensions, S29 requests.

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 will be shredded as soon as it is no longer needed; following retention guidelines and statutory requirements. Particular care will be taken to delete information from the tablets or the computer hard drive if they are to be disposed of.

Requesting access to your personal data

We ensure that access to children's and staff files is restricted to those authorised to see them such as : the owner, setting's early years advisor, the manager, deputy, designated person for safeguarding and child protection, the child's key person, the setting SENDCo, Ofsted or Local Authority.

All staff, volunteer, and parents/carers are responsible for checking that any information that they provide to Springwood Preschools and Nurseries in connection with their child/employment is accurate and up to date.

Under data protection legislation, parents/guardians, children and young people have the right to request access to information about them that we hold. Where a child is too young (until they are 16 years old) to give 'informed consent' the parent is the 'subject' of the file and has a right to see the information held.

Children's developmental records are shared regularly with parents/guardians and a formal request to access these is not required.

The access to some record may not be granted due to sensitivity, safeguarding and child protection nature or sharing has not been granted from the third party e.g staff's references, or child protection concerns.

To make a request relating to your personal data please contact Setting Manager. We will provide you with the response within 1 (one) month. Springwood can refuse the request if we have lawful obligation to retain data (form Ofsted or EYFS), Springwood will always inform the individual for the rejection.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

Staff/Parent should be aware of and follow this policy and seek further guidance where necessary.

Sharing Information

The information that you provide to us, whether mandatory or voluntary, will be regarded as confidential. We do not share information about your child or staff with anyone without consent unless the law or legitimate interests allow us to do so.

We routinely share information without consent with:

- Schools that children attend after leaving us or other second early years provision
- Other or future child's early years provisions
- Staff's future employer – name, employment dates, safeguarding concerns, performance
- Schools within we provide the service (staff DBS information including date of birth)
- Our local authority for the purposes of FFEE and the Early Years Census and Admission Authority
- The Department for Education (DfE) as part of statutory data collections
- Ofsted, DBS, LA, Social Service, Other Professionals like advisory teachers, portage, health visitors or SEND support staff
- Springwood's Owner and Springwood's Early Years Advisor

We may share your personal data:

- With professional advisors or third party contractors who provide services to us
- Where we are under a legal obligation to do so, for example where we are required to share information under statute, to prevent fraud and other criminal offences or because of a court order.
- To prevent significant harm arising to children, young people or adults, including the prevention, detection and prosecution of serious crime
- Third party- references, payments (employed outside accountant) etc.
- Other Springwood settings

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, when:

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

Duty to Disclose Information

There is a legal duty to disclose certain information, namely, information about: Child abuse (possible too), which will be disclosed to social services, drug trafficking, money laundering, convictions, or acts of terrorism or treason, which will be disclosed to the police and other institution with statutory powers like Local Authority (LA), Disclosure and Barring Service (DBS) or Social Service (SS).

The right to erasure

Otherwise known as the right to be forgotten. Individuals can request the deletion of their data where there is no compelling reason for its continued use. As a childcare provider there are certain guidelines on how long you should keep certain records for. These recommendations and requirements provide us with a compelling reason to retain data.

Retention of Data

Springwood Preschools and Nurseries take care to only store personal information that is absolutely necessary. Personal information is kept for the period of time requested following guidelines and these retention periods are either recommended or statutory. Once the retention period has lapsed, the information is destroyed or deleted which ever apply.

Please see NSPCC guidance for Retention of Child Protection record:

[file:///C:/Users/Karolina/Downloads/Child protection records retention and storage.pdf](file:///C:/Users/Karolina/Downloads/Child%20protection%20records%20retention%20and%20storage.pdf)

We retain children's and staff's records for different amount of time and this depends on the information. Please see Appendix 1 for Children and Families and Appendix 1, 2 &3 for staff. Appendix is a guidance form of Springwood procedures for storing, sharing, access, retention and purpose for collecting the data.

Complaints and breach of GDPR

In case of a data breach Springwood will follow guidance and report forms from Information Commissioner Office (ICO)

If you feel that GDPR obligations are not being met or to report a breach, you have the right to complain to:

<https://ico.org.uk/for-the-public/raising-concerns/>

<https://ico.org.uk/for-organisations/report-a-breach/> 0303 123 1113

The breach Must be reported within 72 hours of the incident if it could result in discrimination, reputation damage, financial loss or loss of confidentiality. It is also a good practice to inform the individual whose data has been breached.

The National Pupil Database (NPD), Information Commissioner Office (ICO), Local Authority (LA; Local Council)

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-an-supporting-information>.

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the early years census) go to

<https://www.gov.uk/childcare-parenting/data-collection-for-early-years-and-childcare>.

For more information about the department's data sharing process, please visit:

<https://giv.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Department of Education 'Data protection – toolkit for schools':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/702325/GDPR Toolkit for Schools_1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/702325/GDPR_Toolkit_for_Schools_1.pdf)

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

OFSTED

Childcare: Ofsted Privacy Notice <https://www.gov.uk/government/publications/ofsted-privacy-notice/childcare-ofsted-privacy-notice>

HAMPSHIRE COUNTY COUNCIL PRIVACY NOTICE

<http://documents.hants.gov.uk/childrens-services/ServicesforYoungChildrenPrivacyNotice.pdf>

<https://www.hants.gov.uk/aboutthecouncil/strategiesplansandpolicies/dataprotection>

<http://www3.hants.gov.uk/privacy>

<http://www.hants.gov.uk/education/schools/schoolsdataprotection.htm>

PORTSMOUTH COUNTY COUNCIL DATA PROTECTION PRIVACY NOTICE

<https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

DATA PROTECTION ACT 1998 GUIDANCE TO SOCIAL SERVICE – please follow gov.uk websites for the updates

http://webarchive.nationalarchives.gov.uk/20130123190138/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_4010391

ICO

Quick guide to the employment practice code – Data Protection please go to:

<https://ico.org.uk/for-organisations/guide-to-data-protection/employment/>

https://ico.org.uk/media/for-organisations/documents/1128/quick_guide_to_the_employment_practices_code.pdf - PDF

<https://ico.org.uk/for-organisations/education/>

<https://iconewsblog.org.uk/tag/gdprmyths/>

Government site: [Recruitment and managing staff records](#)

ACAS site: [staff records](#)

If you have a concern about the way Springwood is collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at

<https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact setting's manager first. Alternatively you can contact Karolina or Rachael.

This Policy was updated on 08th May 2019