

**Data Protection Policy**

**Our Commitment**

Ashridge Day Nursery is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA).

Changes to data protection legislation (GDPR May 2018) shall be monitored and implemented in order to remain compliant with all requirements.

The legal bases for processing data are as follows –

**(a)** **Consent:** the member of staff/parent has given clear consent for the nursery to process their personal data for a specific purpose.

**(b) Contract:** the processing is necessary for the member of staff’s employment contract or child placement contract.

**(c)** **Legal obligation:** the processing is necessary for the nursery to comply with the law (not including contractual obligations)

The member of staff responsible for data protection is the Administration and Accounts Manager. However, all staff must treat all child and parent/carer information in a confidential manner and follow the guidelines as set out in this document.

The nursery is also committed to ensuring that its staff are aware of data protection policies and legal requirements.

The requirements of this policy are mandatory for all staff employed by the nursery and any third party contracted to provide services within the nursery

 **Notification**

Our data processing activities will be registered with the Information Commissioner’s Office (ICO) as required of a recognised Data Controller. Details are available from the ICO [https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/](https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/%20)

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO.

**Personal and Sensitive Data**

All data within the nursery’s control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

The principles of the Data Protection Act and General Data protection Regulation shall be applied to all data processed:

• ensure that data is fairly and lawfully processed
• process data only for limited purposes
• ensure that all data processed is adequate, relevant and not excessive
• ensure that data processed is accurate
• not keep data longer than is necessary
• process the data in accordance with the data subject's rights
• ensure that data is secure
• ensure that data is not transferred to other countries without adequate protection.

**Fair Processing / Privacy Notice**

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff and parents prior to the processing of an individual’s data.

Notifications shall be in accordance with ICO guidance.

There may be circumstances where the nursery is required either by law or in the best interests of a child or staff to pass information onto external authorities, for example local authorities, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect. The intention to share data relating to individuals to an organisation outside of our nursery shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of an individual’s data shall first be notified to them. Under no circumstances will the nursery disclose information or data:

* that would cause serious harm to the child or anyone else’s physical or mental health or condition
* indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child
* that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the nursery or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person’s name or identifying details are removed

**Data Security**

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual’s privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO: [https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/](https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/%20)

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall provide evidence of the competence in the security of shared data.

**Data Access Requests (Subject Access Requests)**

All individuals whose data is held by us, has a legal right to request access to such information. Requests for information must be made in writing; no charge will be applied to process the request.

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child.

Personal data about a child will not be disclosed to third parties without the consent of the child’s parent or carer, unless it is obliged by law or in the best interest of the child.

 **Photographs**

Images of staff and children may be captured at appropriate times and as part of educational activities for use in the nursery only.

Unless prior consent from parents/staff has been given, the nursery shall not utilise such images for publication or communication to external sources.

**Location of information and data**

Hard copy data, records, and personal information are stored out of sight and in locked drawers. The only exception to this is medical information and emergency contact details that may require immediate access during the nursery day.

Sensitive or personal information and data should not be removed from the nursery site. However, the nursery acknowledges that some staff may need to transport data between the nursery and their home in order to access it for work in the evenings and at weekends.

The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

• Paper copies of data or personal information should not be taken off the nursery site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the nursery site, the information should not be on view in public places, or left unattended under any circumstances.

• Unwanted paper copies of data, sensitive information or child files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or child by name.

• Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.

• If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.

**Data Disposal**

The nursery recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance.

 **Contact**

If you have any questions, concerns or would like more information about anything mentioned in this policy, please contact our Data Protection Officer.

Further advice and information is available from the Information Commissioner’s Office at www.ico.gov.uk.

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| **This policy was adopted on** | **Signed on behalf of the nursery** | **Date for review** |
| *21st May 2018* | *C Harding* | *21st November 2018* |
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