**Busy Bodies Childcare Centre**

**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 individuals data is not processed without their knowledge and are only processed with their ‘explicit’ consent. GDPR covers personal data relating to individuals. Busy Bodies Childcare Centre 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.

Busy Bodies Childcare Centre is registered with the ICO (Information Commissioners Office) under registration reference: and has been registered since

 .

Certificates are on display on the Certificate Board which is located by the nappy changing area in the entrance area.

The Person Responsible for Data (The Data Controller) at Busy Bodies Childcare Centre is Julie Boddey.

**GDPR includes 7 rights for individuals**

**1) The right to be informed**

Busy Bodies Childcare Centre 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 Shropshire 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-school. 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 Busy Bodies Childcare Centre 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 UKCRBs for the processing of DBS checks.

Busy Bodies Childcare Centre uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

**2)The right of access**

At any point an individual can make a request relating to their data and Busy Bodies Childcare Centre will need to provide a response (within 1 month). Busy Bodies Childcare Centre 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.

**3) 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 Busy Bodies Childcare Centre has a legal duty to keep childrens and parents details for a reasonable time\*, Busy Bodies Childcare Centre 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 offsite and shredded after the legal retention period. There is a full Risk Assessment in place for transportation and storage. A

copy of this Risk Assessment can be provided upon request.

**4) The right to restrict processing**

Parents, visitors and staff can object to Busy Bodies Childcare Centre processing their

data. This means that records can be stored but must not be used in any way, for example reports or for communications.

**5) The right to data portability**

Busy Bodies Childcare Centre requires data to be transferred from one IT system to

another; such as from Busy Bodies Childcare Centre to the Local Authority. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

**6) 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. Busy Bodies Childcare Centre does not use personal data for such purposes.

\*please see attached Retention Period document for records

**Storage and use of personal information**

All paper copies of children's and staff records are kept in a locked on site at all times. 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.

Busy Bodies Childcare Centre 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. These records are shredded after the relevant retention period.

Upon a child leaving Busy Bodies Childcare Centre and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will not be posted and instead will be given to the parent/carer to hand on or directly given from our setting to the next setting.

Busy Bodies Childcare Centre stores personal data held visually in photographs or video clips or as sound recordings, unless the parent/carer objects to this. These videos are shared online with the parents/carers permission or used in the child’s learning journeys. We also use the photographs to create annual calendars and leaving books for the child. The photographs are kept securely on the computer system in the setting. No names are stored with images in photo albums, displays, on the website or on Busy Bodies Childcare Centre’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.

GDPR means that Busy Bodies Childcare Centre 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

This policy and procedure will be reviewed annually.

Updated on ………………………………………….. By …………………………………………………………..

This policy has been read, understood and signed by all the staff.

Signed ………………………………………………….. Signed……………………………………………………….

Signed ………………………………………………….. Signed……………………………………………………….

Signed ………………………………………………….. Signed……………………………………………………….

Signed ………………………………………………….. Signed……………………………………………………….

**Retention Periods 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 the next Ofsted Inspection) | Requirement | Statutory Framework for the Early Years Foundation Stage |
| Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records | Recommendation | Limitation Act 1980 |
| 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) |
| **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 Personnel 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.  |
| Wage / salary records (including overtime, bonuses and expenses) | 6 years | Requirement | Taxes Management Act 1970 |
| Statutory Maternity Pay records | 3 years after the end of the tax year to which they relate | Requirement | The Statutory Maternity Pay Regulations 1986 |
| Statutory Sick Pay Records | 3 years after the end of the tax year to which they relate | Requirement | The Statutory Sick Pay 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 |
| Redundancy details, calculations of payment, refunds, notifications to the Secretary of State | 6 years after employment ends | Recommendation | Chartered Institute of Personnel and Development |
| Staff accident records (for organisations with 10 or more employees) | 3 years 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) |
| Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) | 40 years from the date of the last entry | Requirement | The Control of Substances Hazardous to Health Regulations 2002 (COSHH) |
| Assessment under Health and Safety Regulations and records of consultations with safety representatives and committee | Permanently | Recommendation | Chartered Institute of Personnel and Development |
| Minutes / Meeting Records | As long as possible | Recommendation | Chartered Institute of Personnel and Development |
| **Financial Records** | **Retention Period** | **Status** | **Authority** |
| Accounting records | 3 year from the end of the financial year for private companies, 6 years for limited companies | Requirement | Companies Act 2006 |
| **Administration Records** | **Retention Period** | **Status** | **Authority** |
| Employers’ liability insurance records | For as long as possible | Recommendation | Health and Safety Executive |