



## **DATA PROTECTION- ENGLAND**

In order to provide a quality early years and childcare service and comply with legislation, we will need to request information from parents about their child and family. Some of this will be personal data and some may be classed as special category data.

We take families' privacy seriously, and in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), we will process any personal data according to the seven principles below:

- 1.** We must have a lawful reason for collecting personal data, and must do it in a fair and transparent way. We will be clear about what data we are collecting, and why.
- 2.** We must only use the data for the reason it is initially obtained. This means that we may not use a person's data inappropriately or to market a product or service to them that is unconnected to the reasons for which they shared the data with us in the first place, unless required to do so by law.
- 3.** We must not collect any more data than is necessary. We will only collect the data we need in order to provide appropriate childcare services and abide by relevant laws.
- 4.** We will ensure that the data is accurate, and ask parents to check annually and confirm that the data held is still accurate.
- 5.** We will not keep data any longer than needed. We must only keep the data for as long as is needed to complete the tasks it was collected for and in compliance with relevant laws.
- 6.** We must protect the personal data. We are responsible for ensuring that anyone charged with using the data, processes and stores it securely.
- 7.** We will be accountable for the data. This means that we will be able to show how we are complying with the law.

We have registered with the Information Commissioner's Office, the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

We expect parents to keep private and confidential any sensitive information they may accidentally learn about our families, setting or the other children and families attending our setting, unless it is a child protection issue.

We will be asking parents for personal data about themselves and their children in order to deliver a childcare service. We are required to hold and use this personal data in order to comply with the statutory framework for the Early Years Foundation Stage, Ofsted, Department for Education and the local authority.

### **Subject access**

Parents/carers and those with parental responsibility have the right to inspect records about their child at any time. This will be provided without delay and no later than one month after the request. Requests can be made verbally and we will ensure we have received the correct information. We may need to check the identity of the person making the request if, for example, the request was made via an unknown email address. We will ask parents to regularly check that the data is correct and update it where necessary.

### **Individual Rights**

The GDPR provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

### **Storage**

We will keep all paper-based records about children and their families in a secure place.

If we keep records relating to individual children, families or anyone working for us, including in a digital format, such as on our computer or smartphone, externally or in cloud storage such as iCloud, Google Drive or Dropbox, including digital photos or videos, we will obtain parents' permission. We will ensure any external or cloud based services have adequate security around the data. This also includes CCTV. We will store the information securely, for example, in password-protected files, to prevent viewing of the information by others with access to the computer or device.

Firewall and virus protection software are in place.

If we store any records using a digital solution such as Famly, we will ensure we have carried out due diligence to ensure they are compliant with GDPR. If we use any external providers who process data for us we will make sure they have proper contracts in place.

### **Information sharing**

We are expected to share information with other childcare providers if a child also attends another setting.

We are also required to share information with Kent County Council in regards to the childcare and early years entitlements.

In some cases, we may need to share information without parents' consent, for example, if there is a child protection concern, criminal or tax investigations, health and safety reports etc.

Ofsted may require access to our records at any time.

### **Record keeping**

We record all accidents in an accident book.

We are insured with Morton Michel, we will notify Morton Michel of any accidents which may result in an insurance claim, e.g. an accident resulting in a doctor or hospital visit. Morton Michel will log and acknowledge receipt of the correspondence and forward the information to the company providing my public liability insurance policy to enable a claim number to be allocated.

We will inform Ofsted, the local child protection agency and the Health and Safety Executive of any significant injuries, accidents or deaths as soon as possible.

We record all significant incidents in an incident book and we will share these with parents so that together we can work to resolve any issues.

We will only share information without your prior permission if it is in a child's best interests to do so. For example, in a medical emergency we will share medical information with a healthcare professional. If we are worried about a child's welfare we have a duty of care to follow our Safeguarding Partnership procedures and make a referral. Where possible we will discuss concerns with you before making a referral.

### **Safe disposal of data**

We are required by law to keep some data for some time after a child has left the setting. We have a review plan in place and ensure that any data is disposed of appropriately and securely. Safe disposal of paper would be with the use of a cross cut shredder. Any IT hardware is securely disposed of.

**Suspected breach**

We will investigate any suspected breaches and take prompt action to correct any areas of concern. If we suspect that data has been accessed unlawfully, we will inform the relevant parties immediately and report to the Information Commissioner’s Office within 72 hours. We will keep a record of any data breach.

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**This policy supports the following requirements and standards:**

**England**

Meeting Early Years Foundation Stage Safeguarding and Welfare Requirements

**Information and records**