



## **General Data Protection Regulation Policy (GDPR)**

**EYFS: 3.68 – 3.71**

### **Statement**

GDPR states that personal data should be 'processed fairly' and lawfully and collected for specified, explicit and legitimate purposes and that individuals data is not processed without their knowledge and is only processed with their 'explicit' consent.

Apple Day Nursery is committed to protecting the rights and freedom of individuals with respect to the processing of children's, parents, visitors and staff personal data.

### **GDPR includes 7 rights for individuals:**

#### **1) The right to be informed**

We need to know parents' names, addresses, telephone numbers, email addresses and emergency contacts and employment details. We need to know children's full names, addresses, date of birth and birth certificate number and medical information. For parents claiming free nursery entitlement we are requested to provide this data and parents national insurance number to Barnet Council.

We are required to collect certain details of visitors and contractors including names, telephone numbers and where appropriate company name. This is in respect of our Health and Safety and Safeguarding policies.

As an employer Apple Day Nursery 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 or driver's license, bank details. This information is also required for DBS checks.

## **2) The right of access**

At any point an individual can make a request relating to their data and Apple Day Nursery will need to provide a response within a month. We can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted, but we will inform the individual of the reasons for the rejection.

## **3) The right to erasure**

You have the right to request the deletion of your data where there are no compelling reasons for its continued use. However, Apple Day Nursery has a legal duty to keep children's and parents' details for a reasonable time. We retain these records for 3 years after leaving pre-school, children's accident and injury records for 19 years (or until the child reaches age 21), and 22 years (or until a child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the member leaves employment, before they can be erased. This data is archived securely and shredded after the legal retention period.

## **4) The right to restrict processing**

Parents, visitors and staff can object to Apple Day Nursery processing their data. That 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**

Apple Day Nursery requires data to be transferred from one IT system to another such as from us to the local authority and online Learning Journal (online journals are in the process of being set up) 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.

## **7) The right not to be subject to automated decision-making including profiling**

Automated decisions and profiling are used for marketing based organisations. Apple Day Nursery does not use personal data for such purposes.

### **Storage and use of personal information**

All paper copies of children's and staff records are kept on a locked filing cabinet. Management and senior members of staff 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 addresses. These records are shredded after the relevant retention period.

Records of a serious incident will be held no longer than 21yrs and 3mths.

Records of non-serious events will be held no longer than 7yrs.

Apple Day Nursery 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.

Upon a child leaving Apple Day Nursery and moving to school or moving settings, data held on the child maybe shared with the receiving school. Parents will be informed before data is shared.

Apple Day Nursery stores personal data held visually in photographs or video clips (for CCTV security) unless written consent has been obtained. No names are stored with the images on display or on the website.

The office computer and management software can only be accessed by management, Director, Nursery manager and Deputy Managers. When such staff members leave employment, passwords are changed. Any portable data

storage used to store personal data e.g. USB memory stick or back up drives are password protected and / or stored in a locked filing cabinet.

GDPR means that Apple Day Nursery Management 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

To respond to parent's request to see information within 40 days and to record action taken

Report the setting to the ICO (Information Commissioners Office) if there has been a breach

Policy Date: February 2020	Date to be reviewed: February 2021
Name of Signatory: Kristy Renshaw	Position: Manager
Signature:	<i>Signed on behalf of Apple Day Nursery</i>