



## Data Protection Policy: What I will do

### Statement:

In order to provide a quality early years and childcare service and comply with legislation, I 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. To keep this information safe I will implement the standards within the GDPR legislation of 2018



### Procedure:

The introduction into law of GDPR (General Data Protection Requirements) has consolidated Data Protection standards with the DPA covers correct storage and sharing of both manual and electronic information.



### WHAT THE LAW SAYS:

There are six conditions put in place by the GDPR to make sure that information is handled properly. They say that data must be:

- 1) Processing must be lawful, fair and transparent
- 2) The purposes of processing must be specified, explicit and legitimate
- 3) Relates to keeping data for law enforcement processes.
- 4) Personal data must be accurate, and where necessary, kept up to date
- 5) Relates to the length of time law enforcement may hold data.
- 6) Personal data must be processed in a manner that includes taking appropriate security measures as regards the risk that arise from processing.

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

- 1. I must have a lawful reason for collecting personal data**, and must do it in a fair and transparent way. I will be clear about what data I am collecting, and why.
- 2. I must only use the data for the reason it is initially obtained.** This means that I 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 me in the first place, unless required to do so by law.
- 3. The law must not collect any more data than is necessary.** I will only collect the data I need in order to provide appropriate childcare services and abide by relevant laws. The Den does not keep its data for the purpose of aiding law enforcement but its data may be requested by law enforcement in the relevant circumstances. In this instance we will comply completely with the terms of any issued warrant.
- 4. I will ensure that the data is accurate**, and ask parents to check bi-annually at their child review meeting, and confirm that all data held is still accurate, and encourage them to inform me of change of circumstances verbally as soon as possible.



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**5. I will not keep data any longer than needed.** I 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. Regular reviews of data held on any individual is reviewed regularly (quarterly) but clients should be aware that summary data i.e. how much total money changed hands and contact information will be held for tax purposes for upto 7 years after the transaction took place. Where as individual information will be deleted from our records at the end of the quarter following the client leaving us.

**6. I must protect the personal data.** I am responsible for ensuring that I, and anyone else charged with using the data, processes and stores it securely.

**7. I will be accountable for the data.** This means that I will be able to show how I (and anyone working with me) am complying with the law.

### The Information Commission:

I am registered with the Information Commissioner's Office, the UK's independent authority set up to uphold information rights in the public interest, as a data controller, promoting openness by public bodies and data privacy for individuals., and as such uphold the responsibilities and ideals of the office. The data controller for The Den is YVONNE HAYES reference number **ZA481517** See *ICO IT security webpage for info: <https://ico.org.uk/for-organisations/guide-to-data-protection/it-security-top-tips/>*

### The Parents Role:

I expect parents to keep private and confidential any sensitive information they may accidentally learn about my family, setting or the other children and families attending

my setting, unless it is a child protection issue.

I will be asking parents for personal data about themselves and their child/ren in order to deliver a great childcare service.

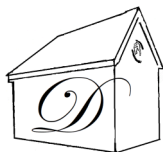
I am required to hold and use this personal data in order to comply with the statutory framework for the Early Years Foundation Stage, Ofsted, Department for Education and my local authority.

### Individual Rights:

The GDPR provides the following rights for individuals:

1. The right to be informed of the data held
2. The right of access to that data
  - ◇ The right to data portability
  - ◇ The right to rectification & erasure
3. Rights about automated decision making and profiling
  - ◇ The right to information about automated decision making
  - ◇ The right to restrict processing
  - ◇ The right not to be subject to automatic decision making
  - ◇ The right to intervene in automated decision making





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### The Den supports individual rights by:



"HANG ON WHILE I FIND A PENCIL."

1) Telling parents what records are being held about them and their child. This will be fully discussed prior to signing any contract.

2) Parents can inspect records held about them or their child at any time, provided that they give reasonable notice and that there is no child safety issue in play at the time.

◇ Parents can remove copies of records that relate to their own child(ren) only by email, report format or data transfer file, but if you want it on a stick/disc/firewire etc. then you will have to provide the appropriate media to The Den one week in advance.

◇ It is recommended that if you leave us as you are moving house, jobs are changing or grandma is coming to live with you, you give us at least one weeks notice to compile this information. So that it can be handed over in person to an acknowledged responsible adult while the contract is still in force.

◇ This doesn't mean you can't ask for the information after the fact. But please be aware that in the normal course of events, I will be deleting your records in 90 days of you ceasing to be contracted to The Den.

◇ I will ask parents to regularly check that the data is correct and update it where necessary. Biannually every parent will be invited as part of the consultation process to check their data held by The Den and confirm that it is still accurate. If a child leaves this setting then you are welcome to ask for a file with my records on it. This will include, attendance, accident & medication history and any education assessments that we have completed. You can either have this information

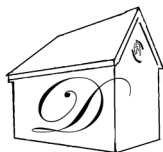
◇ Any rectification as part of this review or any other request will be done in a timely manner and the complainant will be notified on completion to the change.

◇ Confirmation of changes will be provided without delay and no later than one month after the request. Requests can be made verbally or in writing and I will ensure I have received the correct information.

◇ I may need to check the identity of the person making the request if, for example, the request was made via an unknown email address.

◇ I am hoping that no one asks for the erasure of data, but if they do I will remove the item from public view and from any storage that I hold. I will keep a paper trail if I consider the item may be something the business may need at a future time. E.g. relating to a child's time period at The Den.





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- ◇ I can remove the child's name photographs, stored artwork etc. but I have to keep the fact that I looked after a child for a certain period of time. They were in a certain age group and I received so much in fees for that service. This information I will keep in as much confidence as I can and anonymise data in reports, but if there is further legitimate and legal investigation I am required to provide any evidence on request.
- 3) The only automatic processing of the data will be in the promotion of the direct health and wellbeing of the child., for example the continuous identification of allergens and medications to be given.
- ◇ In any future processing that predicts the future of the business or promotes the business in any way individuals information will be anonymised. But every parent has the right to know that such process is taking place and will be notified by their preferred method of communication.
- ◇ If that occurs parents have the option to ask about the logic being applied in the processing and opt their child's data out of the analysis should they be unhappy in any way with the process or use of data.
- ◇ I can't see a time when an automated decision will be enforced without a review or the wishes of the individuals preferences are taken into account. If that changes each parent has the right to remove their child from that process.

### Storage:

The Den will try to be as paperless a business as possible but I will keep paper-based records about children and their families of important information. The contract, any special circumstances, all written correspondence with parents, etc. securely locked away *[In a locked filing cabinet out of the area that the children access.]* and make sure keys are also securely stored elsewhere.

I will explain my security procedures regarding my records before the contract is signed, and obtain signed parental permissions regarding the use of all data. These permissions will be revisited routinely every 6 months of the contract at the parental update meeting and can be changed by the parent at any time of their own request. In the case of two separated parents, the wishes of the parent wishing the more strict measures to be in place will be the standard The Den adheres to.

I keep records relating to individual children, families or anyone working for me, in a digital format, such as on my computer or the business smartphone I will obtain parents' permission to hold this information. I will ensure any external or cloud based services have



adequate security around the data. This also includes CCTV. I 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.

Backup files will be stored on *memory stick*, which I will lock away in the filing cabinet when not being used. Norton Firewall and virus protection software are in place on all computers non of which will be accessed by the children in the normal run of things.



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### Safe disposal of data



I am required by law to keep some data for some time after a child has left the setting. I 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 after the storage disks & Ram chips have been wiped several times and removed. Disks and Ram is disposed of away from the main machine. As a former forensic accountant involved in the retrieval deleted data I am not going to lie, if predators look hard enough they will retrieve the data. But it is extremely unlikely that they will link my discarded hard drives to your child.

I have written my own personal database for this business which is in place on computers that are currently not linked to the web but may in the future be used to feed the business webpage that is hosted in the cloud. The business records are in password controlled directories that are changed at irregular intervals.



### Information sharing

Each parent will need to authorise every picture of their child or their child's work before it will be used in any context to promote the business. If a picture contains more than one child then one parents of every child must give permission before the image is used for any purpose other than personal assessment or display within the setting of the den.

Prospective parents visiting the den may be shown examples of our personal records that children have complied as part of their assessment but no copies of that will be allowed or removed from the setting.



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

Ofsted may require access to my records at any time.

I am also required to share information with *my local authority* in regards to the childcare and early years entitlements.

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



Northamptonshire  
Police

Parents can access members pages of the website that is accessed through a secure domain controller and is behind password protected logins that are unique to individual parents. Each web page in this area of the website is access controlled and each login can only access records about associated children.



## Data Protection Policy: What I will do

Because I am insured with PACEY, I will notify PACEY of any accidents which may result in an insurance claim, e.g. an accident resulting in a doctor or hospital visit. PACEY 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.

I 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.

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

I 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 I will share medical information with a healthcare professional. As per your signed permission form. If I am worried about a child's welfare I have a duty of care to follow the Local Safeguarding Children Board procedures and make a referral. Where possible I will discuss concerns with you before making a referral.

*[See PACEY record keeping practice guide for further information.]*

### **Suspected breach**

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