



GROWING AND LEARNING TOGETHER

General Data Protection Regulation Policy

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Act 1998. It was approved by the EU Parliament in 2016 and came 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. Little Jesters Pre-school is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data.

Little Jesters Pre-School is registered with the ICO under registration reference: ZA127448 and has been registered since 10th July 2015.

7 rights for individuals included in the GDPR

1) The Right to be informed

Little Jesters is a registered childcare provider with Ofsted and we are required to collect and manage certain data. The data we collect is the following: parent's/carer's names, address, telephone numbers, email addresses, date of birth and National Insurance numbers. Data we collect for the children is the following: child's full names, address, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Lincolnshire County Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are also required to collect certain details of visitors to our pre-schools. The data collected is:- visitors names and agency/company name. This is in respect of our Health and Safety and Safeguarding Policies.

Little Jesters is also required to collect data on their Voluntary Management Committee members. Data collected is as follows: Names, address, contact number, email addresses, date of birth, photographic identification. This information is also required for ofsted, charity commission and Disclosure and Barring Service checks (DBS).

As an employer Little Jesters is also required to hold data on their employees. The data we collect for employees: Names, addresses, emails addresses, telephone numbers, date of birth, national insurance number, photographic identification and banking 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.

Little Jesters is required to collect data from any parents wishing to go on the waiting list for child's places. The data we collect for the waiting list is: Parent's/carers names, child's name, address, contact number, child's age or date of birth.

2) The right of access

At any point an individual can make a request relating to their data and Little Jesters will need to provide a response (within 1 month). Little Jesters 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 Little Jesters has a legal duty to keep children's and parents details for a reasonable time*, Little Jesters 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 staff 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 Little Jesters 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

Little Jesters requires data to be transferred from one IT system to another; such as from Little Jesters to the Local Authority and to shared settings. 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. Little Jesters does not use personal data for such purposes.

The Data Controller and the Designated Data Controllers

Little Jesters as a registered charity is the Data Controller under the act, and the organisation is therefore ultimately responsible for implementation. Designated Data Controllers will deal with day to day matters. Little Jesters Designated Data Controllers are:

Little Jesters Pre-School Manager: June Griffiths

Little Jesters Pre-School Committee: Emma Carberry - Committee Chairperson

Data Breaches

In an event of a personal data breach, the Data Controller should be informed immediately and an investigation carried out.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked filing cabinet in a locked storage cupboard within the Little Jesters room. Members of staff can have access to these files but information taken from these files about individual children is confidential and apart from archiving, these records remain on the site.

Information about individual children is used in certain documents, register, medication forms, accident/ incident forms, referrals to external agencies and disclosure forms. This data can include child's name, date of birth and addresses.

All information and records held are shredded after the retention period.

*Please see attached chart on retention periods.

Little Jesters 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 Filing cabinet within a locked cupboard kept on site. These records are shredded after the relevant retention period.

Upon a child leaving Little Jesters and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be passed directly to Faldingworth Community Primary School. For children attending other schools the parent/carer will be given the data to deliver to the receiving school.

Little Jesters stores personal data held visually in photographs, unless written consent has been obtained via the Model Release form. No names are stored with images on the website or on Little Jesters public social media sites. All visual personal data used within the setting will be immediately destroyed when the child moves on.

Access to Little Jesters computer is password protected and has an encryption system. 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 Little Jesters 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

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 after the next Ofsted inspection)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	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 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
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) (as amended)
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 Practice The 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

PAY			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) 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 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development
Health and Safety			
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) (as amended)
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)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
Financial records	Retention period	Status	Authority
Accounting records	3 years from the end of the financial year for private companies, 6 years for public limited companies	Requirement	Companies Act 2006
	6 years for charities	Requirement	Charities Act 2011
Administration records	Retention period	Status	Authority
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive
Minutes/ minute books	10 years from the date of the meeting for	Requirement	Companies Act 2006

	companies		
	6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation	Chartered Institute of Personal Development