

PIXIES General Data Protection Regulation Policy

This document is produced for staff working with the children at Pixies Childcare Ltd (herein after referred to as Pixies), and is a point of reference for families and others visiting the setting. Within this document 'staff' refers to all persons directly involved in the care of children at this setting, irrespective of their employment status, and includes students, trainees and volunteers.

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 individual's data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Pixies 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.

Pixies is registered with the ICO (Information Commissioners Office).

GDPR includes 7 rights for individuals

1) The right to be informed

Pixies 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 Brighton and Hove City 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 setting. 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 Pixies 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.

2) The right of access

At any point an individual can make a request relating to their data and Pixies will need to provide a response (within 1 month). Pixies 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, Pixies has a legal duty to keep children's and parents' details for a reasonable time*. Pixies will retain these records for 3 years after leaving the setting, 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 onsite and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to Pixies 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

Pixies requires data to be transferred from one IT system to another; such as from Pixies to the Local Authority, to shared settings and to Tapestry' Online Learning Journal. 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. Pixies 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 securely in lockable filing cabinets in the office at Pixies address which is kept locked outside of operating hours.

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.

Pixies 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 cabinet in the office onsite at Pixies.

These records are shredded after the relevant retention period.

Upon a child leaving Pixies and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent via Royal Mail using Registered post, delivered by staff direct to the school or via a secure file transfer system. For children attending school outside Brighton and Hove Council the parent/carer will be given the data to deliver to the receiving school.

Pixies stores personal data held visually in photographs or video clips or as sound recordings. No names are stored with images in photo albums, displays, on the website or on Pixies' social media sites. Written consent from parents/carers to use such images will always be obtained prior to any data being recorded.

Access to all Office computers and Tapestry Online Learning Journal 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 Pixies 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

* please see attached Preschool Learning Alliance Retention periods for records.

Legal Framework

General Data Protection Regulation 2018 <https://ico.org.uk/>

Data Protection Act 1998

Computer Misuse Act 1990

Freedom of Information Act 2000

Human Rights Act 1999

The Children Act 2004, 2006 (Every Child Matters)

Statutory Framework

Statutory Framework for the Early Years

Section 3: The Safeguarding and Welfare requirements 3.67-3.72

Guidance & Related Policies

Safeguarding Children.

e-Safety. Use of Image taking equipment.

Social media. Confidentiality.