



Data Protection Policy

STATEMENT OF INTENT.

Totterdown Preschool aims to ensure that all personal data collected about staff, pupils, parents, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill. This policy applies to all personal data, regardless of whether it is in paper or electronic format. We believe that protecting the privacy of our staff and pupils and regulating their safety through data management, control, and evaluation is vital both to uphold the well-being of all and for the individual progress of a child.

The preschool collects personal data from pupils, parents, and staff and processes it, in order to support teaching and learning, monitor and report on pupil progress, and to strengthen our pastoral provision. We take responsibility for ensuring that any data that we collect and process is used correctly and only as is necessary, and the preschool will keep parents fully informed of the how data is collected, what is collected, and how it is used. Attendance and registration records, special educational needs data, and any relevant medical information are examples of the type of data that the preschool needs. Through effective data management we can monitor our provisions and ensure that we are doing all that we can to support both staff and children.

Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA (Data Protection Act) 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

Terminology and Definitions

Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)• Location data• Online identifier, such as a username It may also include factors specific to the individual's physical,
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	physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

The Data controller

Totterdown Preschool processes personal data relating to parents, pupils, visitors and others, and therefore is a data controller. The preschool is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required. The Manager and Deputy act as the representative of the data controller on a day-to-day basis.

Roles and responsibilities

This policy applies to all staff employed by our preschool, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

As a small company we do not have a dedicated Data protection officer. The Manager and Deputy are responsible for overseeing the implementation of this policy, monitoring our compliance with

data protection law, and developing related policies and guidelines where applicable. They are also the first point of contact for individuals whose data the preschool processes.

All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the preschool of any changes to their personal data, such as a change of address
- Contacting the Manager/Deputy in the following circumstances:
 - * With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - * If they have any concerns that this policy is not being followed
 - * If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - * If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - * If there has been a data breach
 - * Whenever they are engaging in a new activity that may affect the privacy rights of individuals
 - * If they need help with any contracts or sharing personal data with third parties

Data protection principles

The GDPR is based on data protection principles that our preschool must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how Totterdown Preschool aims to comply with these principles.

Collecting personal data

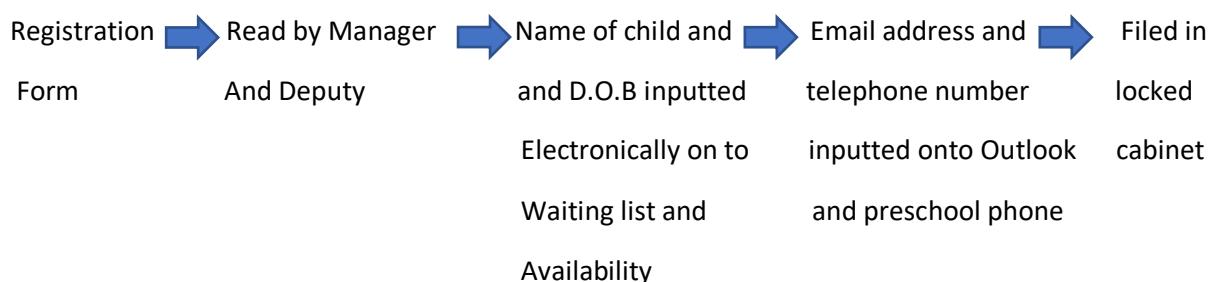
Lawfulness, fairness and transparency

We will only process personal data where we have one of six 'lawful bases' (legal reasons) to do so under data protection law:

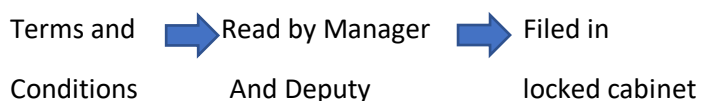
- The data needs to be processed so that the preschool can fulfil a contract with the individual, or the individual has asked the school to take specific steps before entering into a contract

- The data needs to be processed so that the preschool can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
- The data needs to be processed so that the preschool, as a public authority, can perform a task in the public interest, and carry out its official functions
- The data needs to be processed for the legitimate interests of the preschool or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018. Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law

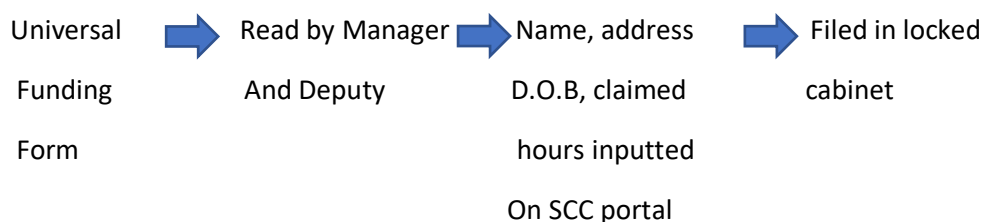
Below we have outlined how we use each piece of information you give us, who we share it with and by which lawful base we collect it.



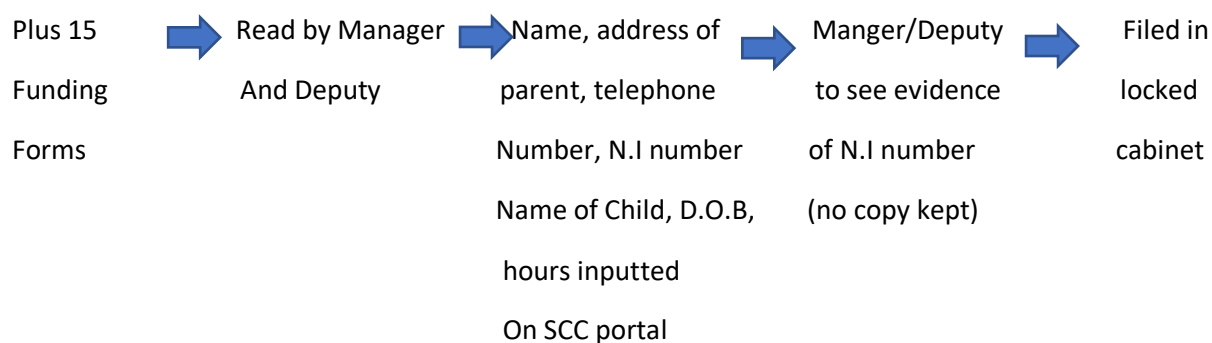
Lawful base 2: Contract



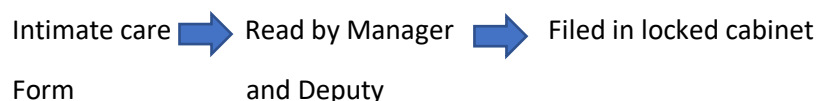
Lawful base 2: Contract



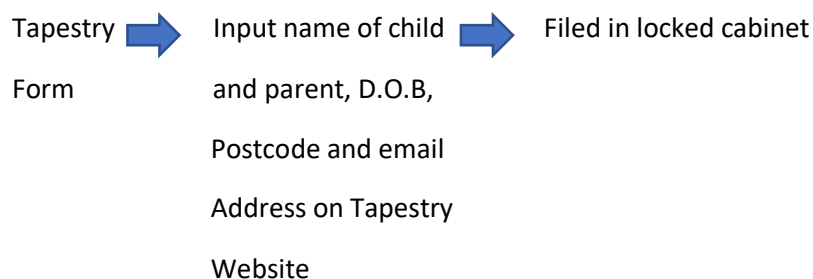
Lawful base 3: Legal Obligation



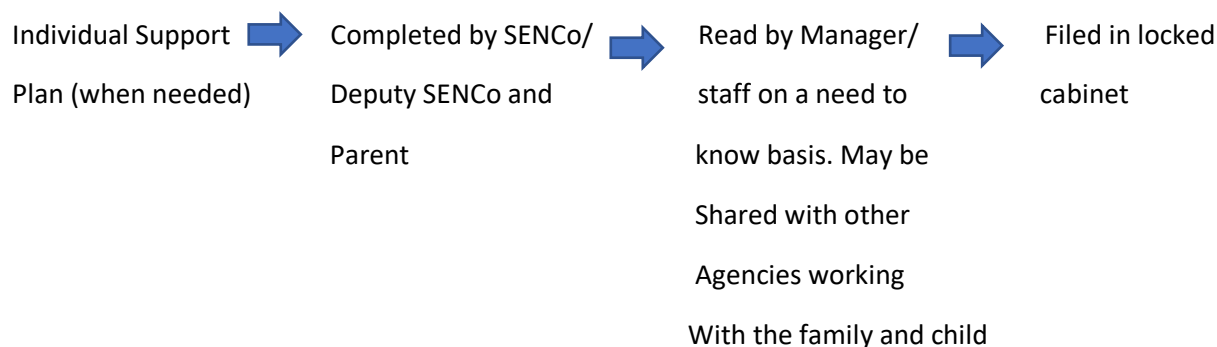
Lawful base 3: Legal Obligation



Lawful base 6: Legitimate



Lawful base 1: Contract



Lawful base 1: Consent

Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary. Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the Information and Records Management Society guidance.

Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:

*Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law

* Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share

*Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

It is important to note that the data protection legislation does not prevent the sharing of information to keep a child safe and that consent is not required when sharing information regarding safeguarding and protecting the welfare of a child. (p19) Whilst encouraged, the agreement of a child and parents is not required to share information, although it is important to explain the reasons for this.

Subject access requests and other rights of individuals

Subject access requests Individuals have a right to make a 'subject access request' to gain access to personal information that the preschool holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual.

Subject access requests must be submitted via the Subject Access Request form, and submitted to the Manger/Deputy. If staff receive a subject access request they must immediately forward it to the Manager/Deputy.

Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent. Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our preschool may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis. When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge

- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child.

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs. A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information. When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

Other data protection rights of the individual

In addition to the right to make a subject access request, and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the Manger/Deputy. If staff receive such a request, they must immediately forward it to the Manger/Deputy.

Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

Photographs and videos

As part of our preschool activities, we may take photographs and record images of individuals within our school. We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Uses may include:

- Within the preschool on notice boards and in the preschool newsletter, brochures, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our preschool website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further. When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified. See our Safeguarding Policy for more information on our use of photographs and videos.

Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Ensuring the Manger/Deputy have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law
- Completing privacy impact assessments where the preschool's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
 - * For the benefit of data subjects, making available the name and contact details of our preschool and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - * For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops , tablets and hard drives that contain personal data are password protected and kept under lock and key when not in use
- Papers containing confidential personal data must not be left anywhere there is general access
- Passwords that are at least 8 characters long containing letters and numbers are used to access preschool computers, laptops and other electronic devices. These are changed at regular intervals
- Encryption software is used to protect all emails being sent that contain sensitive information
- Staff and pupils
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected

Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it. We retain children’s developmental records for 3 years after they have left the setting, with the exception of accident records or SEND or safeguarding documentation that will be kept for a period of 21 years. These are kept in a secure, locked filing cabinet, which only the Manager and Deputy have access to. Once this time period has expired then paper documentation will be shredded and electronically held data will be deleted both off of the data bases and hard drive.

Personal data breaches

Totterdown Preschool will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will report the data breach to the ICO within 72 hours. Such breaches in a preschool context may include, but are not limited to:

- Safeguarding information being made available to an unauthorised person
- The theft of a preschool laptop or tablet containing non-encrypted personal data about pupils

Training

All staff are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the preschool’s processes make it necessary.

Monitoring arrangements

The Manager/Deputy is responsible for monitoring and reviewing this policy. This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our preschool’s practice. Otherwise, or from then on, this policy will be reviewed every 3 years.

Links with other policies

This data protection policy is linked to our:

- Safeguarding Policy
- Children's record policy
- Confidentiality policy
 - E-Safety policy

Agreed by Claire Childs, Shamira Lumsden , Claire Beare, Karen Cull, Gemma Miles, Nicky Patrick, Joe Spence, Naomi Ryan

Amended September 2021

Review Date July 2022

STAFF ACKNOWLEDGEMENTS

I have read this policy and will adhere to it in future practice: