



General Data Protection Regulation (2018) Policy

The General Data Protection Regulation (GDPR) is a law that came into effect on 25 May 2018 replacing the old Data Protection Act 1998. It gives individuals greater control over their own personal data. As a nursery it is necessary for us to collect personal information about the children that attend as well as staff and parents and carers.

GDPR Principle

GRPD condenses the Data Protection Principles into six areas, which are referred to as the Privacy Policy. They are:

1. You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason that is initially obtained.
3. You must not collect more data than is necessary.
4. It has to be accurate and there must be mechanisms in place to keep it up to date.
5. You cannot keep it any longer than needed.
6. You must protect the personal data.

The GDPR provides the following rights for individuals:

- The right to be informed.
- The right to access.
- The right of rectification.
- The right to erase.
- The right to restrict processing.
- The right to data portability.
- The right to object.
- Rights in relation to automated decision making and profiling.

There are two main roles under GDPR: the data controller and the data processor. As a childcare provider, we are the data controller. The data is our data that we have collected about their children and their families. We have contracts with other companies to process data, which makes them the data processor. The two roles have some differences but the principles of GDPR apply to both. We have a responsibility to ensure that other companies we work with are also GDPR compliant.



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Lawful basis for processing personal data

We must have a lawful basis for processing all personal data within our organisation and this is recorded on our Information Assess Register for all the different information we collect. The six reasons are set out in article 6 of the GDPR as follows:

- a. **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- b. **Contract:** the processing is necessary for a contract you have with an individual, or because they have asked you to take specific steps before entering a contract.
- c. **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- d. **Vital Interests:** the processing is necessary to protect someone's life.
- e. **Public task:** the processing is necessary for you to perform a task in the public interest of your official functions, and the task or function has a clear basis in law.
- f. **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.

For the majority of the data we collect, the lawful basis for doing so falls under the category of legal obligation, such as names, dates of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage. Someday we collect, for example photographs, requires parents to give consent for us to do so. Where this is the case, parents will be required to sign a consent form to 'opt in' and are made aware that they have the right to withdraw their consent at any time.

We may also be required to collect data as part of a parent's contract with the setting or local authority, for example, in order for us to claim government funding.

Data retention

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see Information Assess register in the office for more information on retention periods for individual documents.

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Security

We keep all our data about individuals secure and aim to protect data against unauthorised change, damage, loss or theft. All data collected is only accessed by authorised individuals. All paper forms are kept locked away and all computers and tablets are password protected.

Privacy Notices

All parents and staff are provided with privacy notices which inform them of our procedures about how and why we collect their data, information sharing, security, data retention, access to their records and our commitment to compliance with the GDPR act.

Ensuring compliance

The member of staff responsible for ensuring that the setting is compliant is Tracy Maddison (Centre Manager). Their main duties are:

- Ensure that the provision is compliant with GDPR.
- Audit all personal data held.
- Established an Information Assess Register and maintain it.
- Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.
- Undertake investigations where there is a breach of personal data and report it to the ICO.
- Keep up to date with legislation.

The setting is registered with the Information Commissioners Office and our certificate can be viewed.

Data Breach

A personal data breach can broadly be defined as a security incident that has affected the confidentiality, integrity or availability of personal data. In short, there will be a personal data breach whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation; or if the data is made unavailable, for example it has been encrypted by ransomware or accidentally lost or destroyed.; Recital 87 of the GDPR makes clear that when a security incident takes place, we must quickly establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including telling the ICO if required.

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