



GDPR Policy

GDPR stands for General Data Protection Regulation. This new regulation has replaced the Data Protection Act. It was passed by the EU parliament in 2016 and will come into effect on the 25th May 2018 replacing the current Data Act 1998.

It will give individuals greater control over their own personal data. As a nursery it is necessary for us to collect personal information about the children who attend as well as staff and parents/carers.

The Olive Garden nursery is registered with the Information Commissions Office, ICO, under registration reference **ZA091360** and has been registered since 1st November 2010 the certificate can be viewed in the foyer.

GDPR states that personal data should be 'processed fairly and lawfully', 'collected for specified, explicit and legitimate purposes' and that the individual's data is not processed without their 'explicit consent'. GDPR covers personal data relating to individuals. The Olive Garden is committed to protecting the rights and freedom of individuals with respect to the processing of children's, parents, visitors and staff personal data.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.4 The wider context	4.4 Personal, social and emotional development

GDPR Principle

GDPR condenses the Data Protection Principles into 8 areas, which are referred to as the Privacy Principles. 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 it is initially obtained.
3. You must not collect any more data than is necessary.
4. It must 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.
7. You must have appropriate measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction/damage to personal Data.
8. Personal Data shall not be transferred to any outside agency or country within the EU that does not comply with the new General data protection regulations.

GDPR includes 7 rights for individuals

1. The right to be informed

Olive Garden is a registered childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know the parents names, addresses, telephone numbers, email address, date of birth and National Insurance number. We need to know children's full names, addresses and date of birth. For parent's claiming the free childcare entitlement, we are requested to provide this data to Bolton local Authority; the information is sent to them using a secure, electronic file transfer system

As an employer, the Olive garden is required to hold data on its employees; names, addresses, telephone numbers, date of birth, bank details, National Insurance numbers and photographic identification such as a passport or driving license. This information is also required for the Disclosure and Barring Service checks (DBS) that are carried out and to check proof of eligibility to work in the United Kingdom. This information is sent via a secure file transfer system, to the processor of the DBS checks.

2. The right to access

At any point, an individual can make a request relating to their data. The Olive garden will need to provide a response to any requests, within 1 month. We can refuse a request, if there is a lawful obligation to retain the data i.e. from Ofsted, in relation to the EYFS. We will always inform the individual of the reasons for rejection. The individual has the right to complain to the ICO if they're unhappy with the decision.

3. The right to erase

You have the right to request deletion of your data, where there is no compelling reason for its continued use. However, Olive garden has a legal duty to retain children and parents' details for a reasonable amount of time. The Olive Garden is required by law, to retain children and parents records for 3 years after the child has left the Pre-School. Accident and Injury records must be kept until the child reaches the age of 21. Child protection records must be retained until the child reaches the age of 24. Staff records must be kept for 6 months after the employment ceases. All of the data that we retain is archived securely, in a locked cupboard. It is shredded after the legal retention period.

4. The right to share data

The Olive garden requires some data to be shared with a third party, such as, the Local Authority and Payroll. These recipients use secure, file transfer systems and have their own policies and procedures in place, in relation to GDPR.

5. The right to object

Parents, visitors and staff can object to their data being used for certain activities, such as marketing or research.

6. Storage and use of personal information

All paper copies of children and staff records are kept securely in a locked cupboard at the pre-school. The manager has access to all records and staff has limited access, on a need-to-know basis.

All records are kept on site at all times. Archived records are shredded after the retention period.

All information held, both paper and digital records will be kept confidential within the management committee and staff. In the event of there being any wrongful disclosures of confidential information, it will be investigated immediately.

Upon a child leaving the Olive Garden and moving on to school or a new setting, data held on the child may be shared with the receiving school/setting.

7. It is the parent's responsibility to ensure that the information given to us in the registration forms, are correct and kept up to date.

GDPR means that The Olive Garden must:

- Manage and process personal data properly.
- Protect the individual's rights to privacy.
- Provide individuals with access to all personal data that is held on them.

There are two main roles under the 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 the 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, (The Olive Garden), have a responsibility to ensure that other companies we work with are also GDPR compliant.

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 audit for all the different information we collect. The six reasons 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 the individual, or because they have asked you to take specific steps before entering into 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 or for 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.

For the majority of data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date 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.

Some data 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 parent's contract with the setting or local authority, for example, 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 a copy of the Retention periods for records.

Security

We keep data about all 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 around how and why we collect data, information sharing, security, data retention, access to their records and our commitment to compliance with the GDPR act 2018.

Ensuring compliance

The member of staff responsible for ensuring that the setting is compliant is Patricia, Hayley & Brittany. Their main duties are:

- Ensure that the provision is compliant with GDPR.
- Audit all personal data held.
- Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.
- Undertake investigations when there is a breach of personal data and report to the Information Commissions Office, ICO.

- Keep up to date with the legislation.

Legal framework

- The General Data Protection Regulation (2018)
- Human Rights Act 1998

What personal data do we collect?

We collect personal data about you and your child to provide care and learning that is tailored to meet your child's individual needs. We also collect information in order to verify your eligibility for free childcare, as applicable.

Personal data we hold about your child includes:

- Name, date of birth, address, health and medical needs, development needs, special educational needs, child protection plans from social services (if applicable), health care plans from health professionals (if applicable), details of who has parental responsibility for the child and any court orders pertaining to the child (if applicable).

Personal data that we hold about you includes:

- Name, home and work address, telephone numbers, emergency contact details and family details. This information will be collected from you directly, in the registration form.
- If you apply for up to 30 hours free childcare, we will also collect your National Insurance number or if you are self-employed, your Unique Taxpayer Reference (UTR). We may also collect information regarding benefits and family credits that you are in receipt of.

Who do we share your data with?

In order for us to deliver childcare services, we will share your data as required, with the following:

- Ofsted- during an inspection or following a complaint about our service.
- Banking services to process chip and pin or direct debit payments (if applicable).
- The Local Authority, when a claim for up to 30 hours free childcare is made.
- The Governments eligibility checker (as above).
- Our insurance underwriter (if applicable).
- Our software management provider (if applicable).
- The school that your child will be attending.

We will also share data if:

- We are legally required to do so, for example, by law, by a court, or the Charity Commission.
- To enforce or apply the terms and conditions of your contract with us.
- To protect your child and other children, for example, by sharing information with Social Services or the Police.
- It is necessary to protect our rights, property or safety.

We will not share information about you, with any third parties without your consent, unless the law allows us to.

We will never share your personal data with any other organisation, to use for their own purposes.

How long do we retain your data?

We are required by law, to retain your child's personal data for up to 3 years after your child has left our setting, or until the next Ofsted inspection after your child has left. Medication and accident records are kept for longer, according to legal requirements. Your child's learning and development records are maintained by us and handed to you when your child leaves the setting.

In some instances (child protection or other support service referrals), we are obliged to keep your data for longer, if it is necessary to comply with legal requirements.

Signed on behalf of the Olive Garden Nursery

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