

St. Giles Parish Centre, Bury Lane, Codicote, Hertfordshire SG4 8XX

Data Protection & Privacy Policy

The General Data Protection Regulation (GDPR) started on 25th May 2018 and covers all the countries in the EU and has been adopted by the UK. It is heavily based on the Data Protection Act 1998 but will lead to schools having to refine their approach to Data Protection and accountability.

We intend to meet all the requirements of the Data Protection Act 1998 (the Act) and the General Data Protection Regulations 2018 when collecting, storing, and destroying personal data.

Integrating data protection into daily routines will involve,

- Removing duplication wherever possible, that way there is only one version of the data to maintain
- Stop collecting data that is not needed
- Centralising as much data as possible into purpose-built systems
- Setting clear guidelines for non-centralised and physical data
- Where necessary, encrypting data to add extra protection in case of a breach e.g. pen drive encryption.
- Updating pre-school policy (including Acceptable Use Policy) and procedures to guide what everyone should be doing and what they are responsible for
- Ensuring there is explicit, opt-in consent where consent is needed
- Running a data audit before implementing any new processing activity
- Considering whether any data is shared with other bodies
- Setting guidelines for managing and using social media platforms

This policy applies to all data that the charity holds relating to identifiable individuals, even if that information technically falls outside of the Data Protection Act 1998. This can include (but is not limited to):

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- Photographs
- Wage and salary information
- Bank account details
- Medical records

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- Date of births
- Copies of identification
- Curriculum Vitae (CVs)
- Staff performance records
- Disciplinary records
- Accident and incident records Plus any other information relating to individuals

There is also an emphasis on accountability which will inevitably mean the school will have to increase the amount of documentation it uses to record procedures and issues.

Sensitive personal data includes:

- Ethnicity
- Religion
- SEND status
- Looked-after children
- Pupil premium
- Safeguarding

Policy statement

Codicote Pre-school is required to collect personal information for its employees, consultants, trustees, children, parents, and visitors. It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies be complied with. We intend to meet all the requirements of the Data Protection Act 1998 (the Act) and the General Data Protection Regulations 2018 when collecting, storing, and destroying personal data.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Codicote Pre-school must comply with the Data Protection Principles which are set out in the Data Protection Act 1998. In summary these state that personal data must be:

- obtained and processed fairly and lawfully;
- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose; adequate, relevant, and not excessive for that purpose;
- accurate and kept up to date;

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- not kept for longer than is necessary;
- processed in accordance with the data subject's rights;
- kept safe from unauthorised access, accidental loss, or destruction;

This policy and procedure is taken in conjunction with the Pre-School's Confidentiality and Client Access to Records Policy (10.9) and the Pre-School's Information Sharing Policy (10.10)

Identifiable Data

Codicote Pre-School will only collect, process and store personal data where we have a valid lawful basis to require it. We do the following to be transparent:

- Provide information to data subjects in our Privacy Policy on where data is held, the lawful basis and how long we store it.
- Only use data for its original purpose, where we wish to use it for a different purpose, we will notify you of this and request your consent
- Keep data in as few places as necessary
- Provide you with any information we hold on you when we receive a Subject Data Request

Family Data

As a pre-school Codicote Pre-School collects, holds and processes a lot of children's data. There is an increased need to protect children's personal data because they are classed as vulnerable individuals. Where a child is under the age of 16, consent for the processing of the child's data is required from the child's parent or guardian.

Additional care should be taken when handling or sharing children's data to ensure that it is shared with only those that need to know the information. Some data such as medical data will need to be shared with staff to ensure that any emergency medical care can be given when needed however this should not be shared with people outside the organisation unless there is a legal requirement to do this.

Staff & Contractors Data

We collect, hold and process data on employees as part of our legal responsibilities and in order that we can support and manage them in their work. Much personal data on employees is held on our payroll software and checked and amended in consultation with employees.

Sensitive Personal Data

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Codicote Pre-School has recognised that special categories of personal data needs to be processed as part of our business activities and this data needs additional protection to manage the risk. The special category data we collect is:

Criminal Convictions and Offences

Codicote Pre-School, as a childcare provider is required by law to review the history of employees in relation to historic criminal convictions and offences. As required by the GDPR we have provided information on this data through employee DBS checks which is conducted by Capital Resourcing Limited. No criminal conviction history is stored by Codicote Pre-School, only the DBS number is recorded.

Lawful basis for Collecting and Processing Personal Data

Codicote Pre-School will only collect and process personal data when at least one of the following lawful processes applies:

Consent: A data subject has given consent to the processing on his/her personal data

Contract: Processing is necessary for the performance of a contract

Legal obligation: Processing is necessary for compliance with a legal requirement

Vital interests: Processing is necessary to protect the vital interests of the data subject

Legitimate interests: Processing is necessary for the legitimate interests pursued by the data controller or third party unless there is a good reason to protect the individuals' data which override those legitimate interests

Codicote Pre-School makes automatic decisions on the processing and use of data where it is:

- Necessary for the entry into or performance of a contract
- Required to comply with the law
- Based on the individuals explicit consent

Processing Parent and Child Data

All personal data regarding a parent, guardian, carer and child processed by Codicote Pre-School is mandatory in order to fulfil the requirements of the contract. Failure to provide this information will result in the child being declined a place at the Pre-School.

Processing Employee Data

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All personal data regarding an employee processed by Codicote Pre-School is mandatory in order to fulfil the requirements of the contract. Failure to provide this information will result in the individual being unable to join Codicote Pre-School as an employee.

Consent Management

Where processing is based on consent, Codicote Pre-School shall demonstrate that the data subject has consented to the storage and processing of his/ her personal data. Some examples of where explicit consent is required are detailed below:

- a. Consent for photographs - Codicote Pre-School recognises the taking of photographs is not compulsory for the fulfilment of a contract and is not required for legal reasons. Considering this, parents are given the opportunity to give or withdraw their consent for photographs of their child to be taken, displayed or used in various ways by Codicote Pre-School. This information is collected as part of the application pack.
- b. Consent for Marketing - Codicote Pre-School recognises individuals are required to give explicit consent to be contacted for marketing purposes. Parents are given the opportunity to freely give their consent to being contacted for marketing purposes. Consent is given in a granular manner to show clearly what is being agreed to. This information is collected as part of the application pack.
- c. Other consents - For further processes where we require consent for additional functions or needs, additional consent forms will be used.

Data Security, Retention, Storage and Disposal Responsibilities and Procedures

Codicote Pre-School is committed to ensuring we do not hold personal data for longer than necessary. Codicote Pre-School retains different types of data for different periods of time due to the law or business need. The Pre-School Leader is responsible for ensuring data is only kept for the appropriate retention period. All data should be stored only in the location(s) detailed in the Codicote Pre-School Data Procedures Document and all staff are required to follow the retention guidelines to ensure compliance with the GDPR.

Hard Copy/ Paper Records

When data is stored in paper format, it should be kept in a secure place where unauthorised people cannot see or gain access to it. Procedures are documented on the Data Procedures Document.

Soft Copy/ Electronic Records

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When data is stored electronically, measures should be put in place to prevent data from unauthorised access, deletion, virus' and malicious hacking attempts. Data should be stored on the secure login hardware. Data should be protected by a strong password which is regularly changed and never shared, even with those within the organisation. Data should be backed up frequently.

Cyber Security

Codicote Pre-School ensures that all data is kept secure with appropriate technical and organisational measures taken to protect the information. Codicote Pre-School ensures all business computing devices have appropriate anti-virus, firewall and spam software to help minimise access to files and identify any areas of concern.

E-mails are checked regularly for viruses. However, no liability is accepted for any viruses which may be transmitted in or with e-mails.

Disposal of Documents

Employees must ensure that documents are only kept for the retention period set out for that data. All documents that exceed this retention period or are no longer required should be shredded or disposed of appropriately. Any waste that is being stored before collection should be kept in a secure location such as a locked cupboard or office to prevent unauthorised access.

Data Sharing and Processing Third Party Sharing and Processing

Codicote Pre-School may need to share personal data with organisations outside the Codicote Pre-School organisation, we refer to these as 'third parties'. This may be for a variety of reasons but where this is necessary Codicote Pre-School ensures all third parties who process data on behalf of Codicote Pre-School (the data controller) have robust systems in place to comply with the conditions set out in GDPR.

For organisations who we share data with such as Public Bodies or very large organisations, we ensure that we have information on their Data Protection Policy and arrangements to ensure that we are satisfied that they are compliant with the GDPR.

Internal Sharing of Data

The subsequent guidelines should be followed when sharing data internally. Data should never be shared via email unless the email is encrypted, or password protected. Emails containing personal data should be deleted after being dealt with or saved within the appropriate software system and/ or hard copy file in line with the Management, Retention and Disposal guidance document. Personal data

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should only be shared with those who need to have it and care should be taken when sharing personal data via email that it is sent to the correct recipient. Data should not be shared over the phone or in person unless the individual is known to you or their identity has been confirmed. When sending password protected documents, passwords should be sent separately, and never shared

Social Media

Codicote Pre-School use Facebook to communicate positive messages about the organisation. They are updated with regular posts showing a selection of the activities for children, news and fundraising events. This is carefully managed by the Codicote Pre-School Leader and Chairperson of the Committee.

All photographs of children used on the Codicote Pre-School Facebook page require parents' consent before they are posted. Photos are not to be posted on this or any social media or internet sites without this consent. The consent form should be updated at least once a year to ensure the parents are still happy for images to be used.

We are not responsible for any social media groups which are detached from the charity and have been set up by parents such as forum groups. It is recommended that you inform parents that we have no control of the content or data sharing of these forums and there is a risk of their information being shared without their consent.

Link to the privacy policies for the social media platform used by Codicote Pre-School is:

<https://www.facebook.com/about/privacy>

GDPR Provisions Privacy Notices

The Codicote Pre-School Data Procedures Document outline the following information:

- what personal data we collect
- how we process the data
- the lawful basis in which we process
- the purpose for processing
- who we share data with and why
- how long we hold it for
- where it is stored and

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- the rights of the data subject

The Data Procedures Document is available upon request.

Data Subject Rights

Subject Access Requests (SAR)

The personal data collected and held by Codicote Pre-School remains the property of the Data Subject and therefore they retain the right to know what information we hold on them, where it is held and for what purpose. Under the GDPR we are aware of our legal obligations to provide a copy of the data, free of charge and without undue delay and at the latest within one month of a request on receiving a Subject Access Request (SAR).

Codicote Pre-School reserve the right to refuse or charge for information if the SAR is manifestly unfounded or excessive. We will inform the Data Subject of this within one month of the request and provide information as to why it has been refused or why a charge has been requested.

Right to be Forgotten

A Data Subject has the right to ask Codicote Pre-School to erase his/ her personal data and cease further dissemination of the data. The right to be forgotten will not be available where we are under contract with the Data Subject or we hold the data to meet legal requirements. If personal data has been disclosed to third parties where possible, we are required to inform them about the erasure of personal data.

Right to Rectification

A Data Subject has the right to request that we rectify inaccurate or incomplete personal data concerning him/ her. If such personal data has been disclosed to third parties where possible these third parties will be informed. We will take steps to correct inaccurate or incomplete data as soon as practicable after becoming aware of it. We would always aim to have this completed and the Data Subject be advised of the action taken within one month.

Right to Object

A Data Subject has the right to object to the processing of their data where it is used for direct marketing, research, statistical analysis, for legitimate interests or the performance of a task in the public interest. Where a Data Subject objects to Codicote Pre-School having their data for these

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purposes, we will no longer process the personal data and inform the Data Subject when this has been actioned. We will assume the Data Subject is removing consent for the data to be used in that way and remove this from our systems.

Reporting Breaches

All Codicote Pre-School employees who are aware that a data breach has occurred should report the breach to their manager and the Data Protection Officer. The Data Protection Officer will then ensure that the breach is recorded on the Data Breach Register.