



Data Protection Policy

Reviewed by: Samantha Tranter

Date Reviewed: January 2018

The Data Protection Officer for Little Swans Day Nursery is:

Miss Samantha Tranter, Nursery Manager

The Data Protection Officer of the nursery, being the data controller in terms of the Data Protection Act, has overall responsibility for ensuring that records are correctly processed. All staff within little swans Day Nursery involved with such processing are aware of their duties and responsibilities in line with this policy.

Little Swans Day Nursery is fully committed to compliance with the requirements of the Data Protection Act 1998 which came into force on 1st March 2000. The nursery will therefore follow procedures which aim to ensure that all employees, elected members, trainees/placement staff, helpers of the nursery who have access to any personal data held by or on behalf of the nursery are fully aware of and abide by their duties under the data Protection Act 1998.

Statement of Policy

In order to operate efficiently Little Swans has to collect and use information about people/children with whom it works. These may include members of the public, current, past and prospective employees as well as parents and carers.

In addition it may be required by law to collect and use information in order to comply with requirements of central government.

This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper in computer records or recorded by any other means, and therefore are safeguards within the Act to ensure this.

Little Swans Nursery regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the nursery and those with whom it carries out business and/or cares for. The nursery will ensure that it treats personal information lawfully and correctly.

To this end the nursery fully endorses and adheres to the principles of Data Protection as set out in the data Protection Act 1998.

Miss Tranter nursery Manager and Mrs. Boulton nursery owner have specific responsibility for data protection in the nursery

The nursery will conform to:

The terms of the 1998 Data Protection Act, and any subsequent relevant legislation, to ensure personal information is treated in a manner which is fair and lawful.

Ofsted advice and guidance which is supplied in the Early Years Foundation Stage Welfare Requirements framework.

Information and guidance displayed on the Information Commissioner's website

(www.dataprotection.gov.uk)

This Policy should be used in conjunction with the following nursery policies: E policy, Internet policy, social networking and safeguarding policies.

Policy:

2 Data Gathering

2.1 All personal data relating to staff, children and their families or other people of whom we have contact, whether held on computer or in paper files, are covered by the Act.

2.2 Only relevant personal data may be collected and the person from whom it is collected should be informed of the data's intended use and any possible disclosures of the information that may be made.

3 Data Storage

3.1 Personal data will be stored in a secure and safe manner.

3.2 Electronic data will be protected by a password and firewall systems operated by the nursery (please refer to E policy)

3.3 Computer workstations are positioned in the office. Management/ staff using the systems will remain conscious of casual observers.

3.4 Manual data will be stored where it is not accessible to anyone who does not have a legitimate reason to view or process that data.

3.5 Staff may carry data on memory sticks or other removable data carriers in order to access their files at the nursery. However staff have signed an agreement that includes a list of do's and don'ts concerning use.

3.6 Particular attention will be paid to the need for security of sensitive personal data.

3.7 Strict checks are applied to determine the length of time information is held.

4 Data Checking

4.1 The nursery will issue regular reminders to staff and parents to ensure that personal data held is up to date and accurate. In addition twice yearly during parent's evening it is good practice of the nursery to issue all parent/ carers with new contact detail forms to be completed.

4.2 Any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party; any recipients will be informed of the correct data.

5 Data Disclosures

5.1 Personal data will only be disclosed to organizations or individuals for whom consent has been given to receive the data, or organizations that have a legal right to receive the data without consent being given (safeguarding policy)

5.2 When requests to disclose personal data are received by telephone it is the responsibility of the nursery to ensure the caller is entitled to receive the data and they are who they say they are. It is good practice to call them back, preferably by a switchboard, to ensure the possibility of fraud is minimized.

5.3 If a personal request is made for personal data to be disclosed it is again the responsibility of the nursery to ensure the caller is entitled to receive the data and that they are who they say they are. If the person is not known personally by the nursery, proof of identity must be requested. It may be necessary for the caller to request data in writing.

5.4 Requests for children's names for Birthday parties and Christmas card lists can be given by a member of permanent nursery staff. Note only children's first names should be given and their classroom.

5.5 Separate parental consent is sought for group photographs of children prior to them being displayed or distributed. Consent should clearly identify the purpose for the photograph and its use as well as who will receive photos; this includes learning journeys.

6.6 Personal data will not be used in newsletters, website or other media without prior consent from the subject.

6.7 Personal Data will only be disclosed to Police Officers if they are able to supply a WA170 form which notifies of a specific, legitimate need to have access to specific personal data. This form is the agreed procedure between Birmingham City Council and West Midlands Police.

6.8 A record should be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

6.9 Restricted staff members of the nursery will access personal data on a need to know basis in the course of executing their duties. The qualified (level 3 or above) professional staff requiring such data is fully aware of the obligations the nursery has under the Data Protection Act, and they will only use the data for the purposes for which it is collected

7 Subject Access Requests

7.1 If the nursery receives a written request form to see any or all personal data that the nursery holds about them; should be treated as a Subject Access Request and the nursery will respond within the 40 day deadline.

7.2 Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and the nursery will comply with its duty to respond within the 40 day time limit.

8 The policy will be included in staff inductions as of January 2012

9 Data protection statements will be included on any forms that are used to collect personal data.

10 CCTV

Images of people are covered by the Data Protection Act, and so is information about people which is derived from images – for example, vehicle registration numbers.

The use of CCTV at the nursery is covered by the Act. This is regardless of the number of cameras or how sophisticated the equipment is.

Purpose

Elaine Boulton, Nursery Owner and Samantha Tranter, Nursery Manager is responsible for the control of images recorded and their purpose. The CCTV at the nursery is used to safeguard the children as well as staff and other adults on the premises. The security of the premises is also recorded when the nursery is closed this also includes the car park area.

Management may decide to use the CCTV as part of supervision and monitoring practices of staff throughout the nursery. This will be discussed with individual staff members and a written report will be kept on their employment records; this will support quality and the delivery of our service. All benefits from installing CCTV at the nursery have been considered.

Retention

Recordings of CCTV will be kept on the hard drive for 28 days. There is no time scale stated in the Act; however due to the nature of the organization and the vulnerability of our children we feel this is an appropriate time scale.

In the event of recordings being copied and kept for safeguarding concerns, criminal offences or any other practices deemed inappropriate by management; Individuals concerned will be informed of this in writing.

Images will be recorded onto a USB memory stick and kept in a designated area until the footage is no longer required.

During inductions all staff is made aware of the CCTV and sign a consent form, providing permission for images to be recorded; in guidance with the policies and procedures in place at the nursery.

Processing of Visual Images

Little Swans Day Nursery allows the taking of visual images in the form of photos, videos or other means, in its nursery activities. It is pertinent to point out that the nursery is only responsible for visual images taken by nursery representatives. Persons taking visual images for personal use during a nursery activity are held responsible for the use of such visual images.

Upon admittance of children in the nursery, consent will be sought from parents/legal guardians where visual images are:

- Taken by nursery representatives in non-curricular activities;
- Used for communication purposes by publishing them on;
 1. Printed matter including internal and external publications (e.g. nursery newsletter and annual /transitional reports);
 2. Nursery notice boards
 3. Media – including newspapers and television
 4. The internet (nursery an Education Division web sites);
- Used for any other purpose other than administrative, nursery functions, historic and communications purposes. The consent given by parents/legal guardians may be withdrawn after informing the nursery manager or owner in writing. No visual image of the child in question will be taken after the consent has been withdrawn.

When a professional photographer is engaged by the nursery, the nursery shall ensure that the photographer understands data protection considerations and that he/she is able to satisfy all responsibilities and obligations in accordance with the Data Protection Act. This relationship will be regulated by a contract between the nursery and the photographer. Visual images are retained for a period of 3 years except for those selected to be kept for historic records of the nursery.

Retention of Personal Data

The nursery does not hold any data longer than necessary, having considered the purposes for processing. In this regard, all personal data relating to children and their parents/legal guardian will be held for the period during which the child attended the nursery, with the exception of records selected to be kept for record purposes, and statistical data. Visual images not selected for historic record purposes will be kept for three years only. It is important that any other record indicating the educational progress of the child is to be appropriately preserved by the parents/legal guardian for future use.

Child and Parent/ Legal Guardian Rights

Parents/legal guardians are entitled to be provided with:

1. Actual information processed about their child
2. A description form where this information has been collected;
3. The purpose for processing such information;
4. Details about the recipients to whom data is disclosed;
5. Knowledge of the logic involved in any processing of data concerning the child

The request has to be made in writing duly signed by the parents/legal guardians and addressed to the manager of the nursery or the owner of the nursery. Requests concerning children are to be made by their parents/legal guardian on behalf of the child.

The nursery aims to comply as quickly as possible with requests for access to personal information and will ensure that it is provided within a reasonable time, unless there is a good reason for delay. When a request for access cannot be met within a reasonable time, the reason will be explained in writing to the parent/legal guardian making the request.

In the event that personal data prove to be incorrect, the parent/legal guardian concerned may request to rectify, erase or not to use the information in question.

Enquiries

All enquiries related to this nurseries data Protection Policy are to be addressed as follows:

Miss Samantha Tranter Nursery Manager/
Or Mrs Elaine Boulton Nursery Owner
Little Swans Day Nursery
330 Yardley Road
Yardley
Birmingham
B25 8LT

This policy has been reviewed and approved by the manager and the nursery owner. The Data Protection Policy reviewed and updated as necessary every 12 months or when changes in practice/legislation require the nursery to.

Compiled by: Elaine Boulton Nursery Owner approved by Samantha Tranter Nursery Manager