



St. Mary's Playgroup

The General Data Protection Regulation (GDPR and UK GDPR) Policy & Procedures

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

GDPR gives individuals greater control over their own personal data. The UK GDPR aims to protect children's personal data, consent must be given by a person with parental consent and custody.

Early years providers must be aware of GDPR and make changes to how they handle and store data in order to be compliant.

GDPR principles

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

1. Lawfulness, Fairness and Transparency
 - We must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. Purpose Limitation
 - We must only use the data for the reason it is initially obtained.
3. Data Minimisation
 - We must not collect any more data than is necessary.
4. Accuracy
 - Personal data must be accurate and up to date.
5. Storage Limitation
 - We should not store data any longer than needed.
6. Integrity and Confidentiality
 - We must protect the personal data.

These privacy principles are supported by a further principle – Accountability.

- This means that our setting must not only do the right thing with data but must also show that all the correct measures are in place to demonstrate how compliance is achieved.

There is also an expectation that staff will be trained on data protection



GDPR provides the following rights for individuals:

- a) The right to be informed.
 - St. Mary's Playgroup is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's' full names, addresses, date of birth and Birth Certificate number. For parents claiming the free childcare entitlement we are requested to provide this data to the Local Authority; this information is sent to the Local Authority via a secure electronic file transfer system. We are required to collect certain details of visitors to our Playgroup. We need to know visitor's names, telephone numbers, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies. As an employer St. Mary's Playgroup is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's licence, bank details. We also hold name, addresses and contact details on employees next of kin for emergencies. We also hold and manage data on our current committee members for Ofsted and The Charity's Commission. Information is required for enhanced Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to UKCRBs for the processing of DBS checks.
- b) The right of access.
 - At any point an individual can make a request relating to their data and St. Mary's Playgroup will need to provide a response (within 1 month). We can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision.
- c) The right to rectification.
 - An individual can ask for their details to be changed. This can be done in writing to the manager of St. Mary's Playgroup.
- d) The right to erase.
 - You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, St. Mary's Playgroup has a legal duty to keep children's and parents' details for a reasonable time, we retain these records for 3 years after leaving the Playgroup, children's accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the member of staff leaves employment, before they can be erased. This data is archived securely onsite and shredded after the legal retention period.
- e) The right to restrict processing.



- Parents, visitors and staff can object to St. Mary's Playgroup processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.
- f) The right to data portability.
- St. Mary's Playgroup requires data to be transferred from one IT system to another; such as from Playgroup to the Local Authority. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.
- g) The right to object.
- Parents, visitors and staff can object to their data being used for certain activities like marketing or research.
- h) Rights in relation to automated decision-making and profiling.
- Automated decisions and profiling are used for marketing-based organisations. St. Mary's Playgroup does not use personal data for such purposes.

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 also process our own data, which makes us also a data processor. The two roles have some differences but the principles of GDPR apply to both.

Lawful basis for processing personal data

We must have a lawful basis for processing all personal data within our organisation for all the different information we collect. The six reasons are 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.

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 the mobile phone are password protected. Any portable data storage used to store personal data, e.g. USB memory stick, are password protected and/or stored in a locked filing cabinet.

Privacy notices

All parents and staff are made aware of our 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 and UKGDPR.

Ensuring compliance

The member of staff responsible for ensuring that the setting is compliant is Sharon Stacey. 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

Please also refer to St. Mary's Playgroup's Privacy Notice.

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