



Ladybirds GDPR Policy (Revised 4th November 2024)

Working in conjunction with the Early Years Foundation Stage Statutory Framework (EYFS).

Quality and Consistency.

A Secure Foundation.

Partnership Working.

Equality of Opportunity.

Unique Child Positive Partnerships Enabling Environment Learning and Developing

Introduction

At Ladybirds Preschool we recognise that the General Data Protection Regulation (GDPR) is a new EU law that came into effect on 25 May 2018. It has replaced the current Data Protection Act of 1998 and will remain in place even after the UK leaves the EU in 2019.

GDPR is designed to protect the privacy of individuals, ensuring that any personal information is processed fairly and lawfully, and is collected for specified, explicit and legitimate purposes. Ladybirds Preschool is committed to protecting the rights and freedoms of individuals with respect to the collection and processing of personal data of our children, parents, visitors and staff.

The setting aims to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.

Ladybirds Preschool is the data controller of the personal information you provide to us.

The Committee Member **Sharon Goldie** is the data protection officer. Their role is to oversee and monitor the Preschool's data protection procedures, and to ensure they are compliant with GDPR. Katy can be contacted micheldeverpreschool@gmail.com

Ladybirds Preschool has been registered with the ICO (Information Commissioners Office).

Procedures

GDPR includes seven rights for individuals:

1) The right to be informed

For our Preschool to operate effectively, Ladybirds Preschool is required to obtain, hold, process, use and disclose information in connection with the administration, management and business activities of the setting, including making and keeping records (for a reasonable amount of time) of families, visitors, trustees, staff and other relevant organisations. It is also part of our duty of care to safeguard and promote the welfare of children, under the Children Act 1989, Section 17, and to follow the procedures of our Safeguarding Policy where necessary.

As a registered Childcare provider with Ofsted, Ladybirds Preschool, is required to collect and manage certain data, including: parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We also need to know children's' full names, addresses, dates of birth and Birth Certificate numbers. For those parents claiming the free nursery entitlement we are requested to provide this data to Wiltshire County Council; 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 pre-schools. We need to know visitors' names, telephone numbers, addresses and where appropriate, a company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Ladybirds Preschool is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, and bank details. This information is also required for 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 Ebulk for the processing of DBS checks.

2) The right of access

Individuals can make a request relating to their data at any time and Ladybirds Preschool will need to provide a response within one month. We can refuse a request, if we have a lawful obligation to retain data, for example, from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. Individuals have the right to complain to the ICO if they are not happy with the decision.

3) The right to erasure

Individuals have the right to request the deletion of their data where there is no compelling reason for its continued use. However, Ladybirds Preschool has a legal duty to keep children's and parents' details, including accident and medical records for a reasonable amount of time. We retain these records for the period of up to 4 years. Safeguarding and child protection records will be retained until the child reaches the age of 24 years old. 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 in lockable filing cabinets and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to Ladybirds Preschool processing their data. This means that records can be stored but must not be used in certain ways, for example sharing with outside agencies.

5) The right to data portability

Ladybirds Preschool requires data to be transferred from one IT system to another; such as from Ladybirds Preschool to the Local Authority or Wiltshire County Council; to our administrative software system that produces our registers and invoices; to shared settings and to Tapestry, our online Learning Journal. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

6) The right to object

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

7) The right not to be subject to automated decision-making including profiling

Automated decisions and profiling are used for marketing-based organisations. Ladybirds Preschool does not use personal data for such purposes.

Storage

We hold data securely for as long as we need to educate and care for all of the children who attend Ladybirds Preschool. Paper copies of children's and staff records locked filing cabinets. Members of staff can have access to these files, but information taken from the files about individual children is confidential. These records are shredded after the retention period.

Ladybirds Preschool collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend, or they are added to the child's file and stored appropriately. Information about individual children is used in certain documents, such as, registers, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period.

To assist with the transition from one setting to another or to school, Ladybirds Preschool may share data with the receiving setting. This can be in the form of paper copy or of a secure file transfer system.

Permission is requested from parents for visual data including photographs and videos, and parents can specify whether their child is allowed or not allowed in other children's observations, displays around the setting or other media.

Access to all office computers and tablets are password protected, as are our software systems, including: Microsoft Office, Tapestry and our administrative programmes.

Legal Framework

There is certain legislation and guidance that this policy needs to be based on.

- General Data Protection Regulation 2018 <https://ico.org.uk/>
- Freedom of Information Act 2000
- Human Rights Act 1999
- The Children Act 2004, 2006 (Every Child Matters)
- Education Act 1996
- Keeping Children Safe in Education 2016
- Working Together to Safeguard Children 2015

Other Related Policies & Procedures

The following policies provide additional information regarding the safeguarding and welfare of the children in our care:

- *Administration of Medicines Policy*
- *Admissions Policy*
- *Anti-bullying Policy*
- *Children's Records Policy*
- *Children's Rights & Entitlement Policy*
- *Committee Policy*
- *Complaints Policy*
- *Confidentiality & Client Access Policy*
- *Critical Incident Policy*
- *Daily Running Policy*
- *Diversity & Equality Policy*
- *Emergency Closure Policy*
- *Employment & Staffing Policy*
- *Equal Opportunities Policy*
- *E-safety Policy*
- *EYPP Policy*
- *Fees, Charges & Non-Payment Policy*
- *Financial Reserves Policy*

- *Fire Safety & Emergency Evacuation Policy*
- *First Aid Policy*
- *Grievance Policy*
- *Health & Safety Policy*
- *Infection Control Policy*
- *Information Sharing Policy*
- *Key Person & Settling In Policy*
- *LADO Policy*
- *Lockdown Policy*
- *Looked After Children Policy*
- *Managing Children & Staff Allergies Policy*
- *Medicine Audit Policy*
- *Mobile, Camera & Social Media Policy*
- *Nappy Changing Policy*
- *Organisation Policy*
- *Outings & Visits Policy*
- *Parent Involvement Policy*
- *Parents Alcohol & Drug Misuse Policy*
- *Photography & Video Policy*
- *Physical Contact & Handling Policy*
- *Prevent & British Values Policy*
- *Positive Behaviour Policy*
- *Provider Records Policy*
- *Recording & Reporting of Accidents & Incidents Policy*
- *Retirement Policy*
- *Risk Assessment Policy*
- *Safeguarding Policy*
- *Security Policy*
- *Special Education Needs & Inclusion Policy*
- *Staff Alcohol & Drugs Misuse Policy*

- *Staff Behaviour Policy*
- *Staffing & Volunteers Policy*
- *Suitable Persons Protection*
- *Transfer of Records Policy*
- *Uncollected or Lost Children Policy*
- *Usage, Storage & Retention Policy*
- *Whistleblowing Policy*
- *Working in Partnership Policy*

This policy will be monitored and evaluated at committee meetings. It will be reviewed bi-annually and unless new legislation or an incident occurs which requires an immediate review of this policy

November 2024

Review Date: November 2026

This policy was adopted by the committee on 30/11/2024

Signed: Jean de Garis_____

Reviewed Date:

Signature:

Amendments:

Reviewed Date:

Signature:

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Reviewed Date:

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