

Rainbow Pre-school

Rainbow Pre-school Spirit



General Data Protection Regulation Policy

Statement

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Rainbow Pre-school Southampton Limited is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Rainbow Pre-school Southampton Limited is registered with the ICO (Information Commissioners Office) under registration reference: ZA204908 and has been registered since 12th September 2016. Certificate is on display on the parent's information board.

GDPR includes 7 rights for individuals

1) The right to be informed

Rainbow Pre-school Southampton Limited 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 nursery entitlement we are requested to provide this data to Southampton City 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 company name. This is in respect of our Health and Safety and Safeguarding Policies.

Rainbow Pre-school Southampton Ltd is a company registered in England & Wales. Registration No: 10058477. Registered Office: Unit 4, Basepoint, Andersons Rd, Southampton. SO14 5FE.

As an employer Rainbow Pre-school Southampton Limited 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 license, 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 UKCRBs for the processing of DBS checks.

Rainbow Pre-school Southampton Limited uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

2) The right of access

At any point an individual can make a request relating to their data and Rainbow Pre-school Southampton Limited will need to provide a response (within 1 month). Rainbow Pre-school Southampton Limited 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.

3) The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However Rainbow Pre-school Southampton Limited has a legal duty to keep children's and parents details for a reasonable time*, Rainbow Preschool Southampton Limited retain these records for 3 years after leaving pre-school, children's accident and injury records for 19 years (or until the child reaches 21 years). Safeguarding and Child Looked After records follow the child onto school or other settings. 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 offsite and shredded after the legal retention period. There is a full Risk Assessment in place for transportation and storage. A copy of this Risk Assessment can be provided upon request.

4) The right to restrict processing

Parents, visitors and staff can object to Rainbow Pre-school Southampton Limited processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

5) The right to data portability

Rainbow Pre-school Southampton Limited requires data to be transferred from one IT system to another; such as from Rainbow Pre-school Southampton Limited to the Local Authority, to shared settings and to Tapestry' 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 by marketing based organisations. Rainbow Pre-school Southampton Limited does not use personal data for such purposes.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked office in Rainbow Pre-school. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from archiving, these records remain on site at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as, a weekly register, 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.

Rainbow Pre-school Southampton Limited 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 added to the child's file and stored appropriately.

Information regarding families' involvement with other agencies is stored both electronically on an external hard drive and in paper format, this information is kept in a locked office at Rainbow Pre-school. These records are destroyed after the relevant retention period.

Upon a child leaving Rainbow Pre-school Southampton Limited and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent via the internal Southampton City Council post service or via a secure file transfer system. For children attending school outside Southampton City Council the parent/carer will be given the data to deliver to the receiving school.

Rainbow Pre-school Southampton Limited stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has not been obtained via the consent form. No names are stored with images in photo albums, displays, on the website or on Rainbow Pre-school Southampton Limited's social media sites.

Access to all Office computers and Tapestry Online Learning Journal is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy. 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.

GDPR means that Rainbow Pre-school Southampton Limited must;

- * Manage and process personal data properly
- * Protect the individual's rights to privacy
- * Provide an individual with access to all personal information held on them

This Policy was adapted at a meeting at Rainbow Pre-school in November 2021

Signed on behalf of Rainbow Pre-school:

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Policy review date: November 2022

* Please see attached Preschool Learning Alliance Retention periods for records.

Retention periods for records

As advised by LawCall & Preschool Learning Alliance regarding the providers responsibilities under the General Data Protection Regulation (GDPR) (EU) 2016/679

	Retention period	Status	Authority
CHILDREN'S RECORDS Children's records including registers medication records and accident records pertaining to children	Records should be retained for a reasonable period of time after children have left the provision (e.g. three years) or until the next Ofsted inspection after the child has left the setting (whichever is soonest).	Requirement	EYFS (given legal force by Childcare Act 2006)

	Retention period	Status	Authority
Note: children's learning and development records i.e. learning journeys are maintained by the setting and handed to parents when the child leaves.	Until child reaches age of 21 - or until the child reaches the age of 25 for child protection records, SEND records and health care plans. All SEND records will follow the child onto their next setting. All records being transferred will be documented on a receipt, this receipt will be securely archived by Rainbow Preschool Southampton limited for the retention period, then destroyed	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to three years after, or deliberately caused personal injury up to six years after the event) are postponed until the child reaches 18 years old.
*If a concern is identified that legal action may be instigated all relevant information will be retained until the child reaches the age of 25. (These forms will be identified and red flagged.)	Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements.	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to three years after, or deliberately caused personal injury up to six years after the event) are postponed until the child reaches 18 years old.

	Retention period	Status	Authority
Records of any reportable death, injury, disease or dangerous occurrence.	<p>Three years from the date of the last entry (or, if the accident involves a child, then until the person reaches the age of 21).</p> <p>The setting will also need to consider whether it is necessary to keep the records for a longer period in light of the circumstances.</p>	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI1995/3163) (as amended)
Safeguarding and welfare records (including written summary of information transferred to schools) which resulted in a Child Protection referral or Child In Need referral being made to the local authority. Safeguarding and welfare records (including written summary of information transferred to school) which resulted in a referral being made to CAF or other early help support services referrals.	<p>Until the child reaches age 25 years, or for Looked After Children 75 years. records will follow the child onto their next setting. All records being transferred will be documented on a receipt, this receipt will be securely archived by Rainbow Preschool Southampton limited for the retention period, then destroyed</p>	Requirement	Limitation Act 1980

	Retention period	Status	Authority
PERSONNEL RECORDS Personnel files and training records (including disciplinary records and working time records).	Six years after employment ceases.	Recommendation	Chartered Institute of Personnel and Development
Application forms and interview notes for unsuccessful candidates.	Six months to one year.	Recommendation	Chartered Institute of Personnel and Development

	Retention period	Status	Authority
PAY RECORDS Wages / salary records (including overtime, bonuses & expenses)	Six years after employment ceases	Requirement	Taxes management Act 1970
Statutory Maternity Pay (SMP) records	Three years after the end of the tax year in which the maternity period ends	Requirement	The Statutory Maternity Pay (general) Regulations 1986 (SI1986/1960) as amended
Statutory Sick Pay (SSP) records	Six year after employment ceases	Recommendation	Chartered Institute of Personnel and Development
Income Tax and National Insurance returns/records	At least three years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (SI 1993/744 as amended)
Redundancy details, calculations of payments, refunds, notification to secretary of state.	Six years from the date of redundancy	Recommendation	Chartered Institute of Personnel and Development
Parental leave records	18 years from the birth of the child	Recommendation	Chartered Institute of Personnel and Development
National Minimum Wage records	Three years after the end of the pay reference period following the one that the records cover	Requirement	National Minimum Wage Act 1998
Pension scheme and member records	Six years (except for records of opt-outs which must be kept for four years)	Requirement	The Pensions Regulator

	Retention period	Status	Authority
	12 years from the ending of any benefit payable under the policy		
HEALTH & SAFETY RECORDS Staff accident records (for organisations with 10 or more employees)	Three years after the date of the last entry (there are separate rules for recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979 (SI 1979/628)
Records of any reportable death, injury, disease of dangerous occurrence	Three years from the date of the last entry	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163 as amended)
Accident / medical records as specified by the Control of Substances Hazardous to Health regulations (COSHH) 1999	40 Years from the date of the last entry	Requirement	The Control of Substances Hazardous of Health regulations 1999 (COSHH) (SIs 1999/437 2002/2677)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
FINANCIAL RECORDS Accounting records	Three years for Private companies	Requirement	Section 386 and 388 of the Companies Act

	Retention period	Status	Authority
Administration records	Retention period	Status	Authority
Complaints records	At least three years from the date of the last record	Requirement	EYFS Welfare Requirements (given legal force by Childcare Act 2006)
Insurance policies	Permanently	Recommendation	Information and Records management Society
Minutes/minutes books	Permanently	Recommendation	Chartered Institute of Personnel and Development

For further advice, please contact: Information Services

T: 020 7697 2595

E. info@pre-school.org.uk

W. www.pre-school.org.uk/information-and-advice

Pre-school Learning Alliance 50 Featherstone Street London EC1Y 8RT