



Ghanshyam Nursery School

'Laying the foundations for life'

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General Data Protection Regulations (GDPR) Policy

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General Data Protection Regulation (GDPR) Policy

Ghanshyam Nursery School is committed to safeguarding and promoting the welfare of children as we believe that this is of paramount importance. We expect all staff and volunteers to share this commitment. We uphold the rights of everyone to equality under the law regardless of gender, age, race, belief, ability, disability, sexual orientation or identity.

We believe that our core school motto ('Laying the foundations for life' - We strive to provide the highest quality childcare facilities and personnel for the social, personal, cultural and religious advancement of the child) and British values are not mutually exclusive. We focus on ensuring our work is effective in securing this motto; challenging children, staff and parents/carers who express opinions contrary to the British values with regard to our duty to prevent extremism and radicalisation. Ghanshyam Nursery School has the highest regard for the safety of the children in our care and will carry out its duties to safeguard and promote the welfare of children at all times.

Ghanshyam Nursery School is required to collect and process data for a number of purposes concerning its staff, parents, children and any other individual who comes into contact with the company. In gathering and using this data Ghanshyam Nursery School is committed to protecting all individual's rights of freedom and privacy.

Ghanshyam Nursery School is fully committed to full compliance with the requirement of the General Data Protection Regulation (GDPR). In line with this, this policy describes how personal data must be collected, handled, managed and stored in order to comply with the company's data protection standards and the law.

This policy has been put in place to ensure Ghanshyam Nursery:

- Complies with the requirements set out by GDPR
- Protect the rights and privacy of any individual the company holds data on, including but not limited to staff, parents, children or any other individual who comes in contact with the company
- Reduces the risk of data breach
- Has a clear and consistent approach to the collection, storage and management of data

Relevant legislation

The General Data Protection Regulation (GDPR) has been in force since 25th May 2018. It applies to all organisations who offers services to monitor or process personal data of subjects residing in the EU. Failure to comply with the GDPR can result in fines.

GDPR is designed to protect personal data

GDPR is designed to protect individual rights in the following way:

1. The right to be informed

The parents need to be informed what data we are collecting, what we do with it and who it is shared with. Ghanshyam Nursery School has a legal and contractual right to collect and process certain types of data. For the collection or processing of any other types of data such as photographs, we will seek active consent and also provide a suitable and accessible method for withdrawal consent.

2. The right of access

Parents can request access to their own data at any time.

3. The right to rectification

Personal data must be rectified if it is incorrect or incomplete

4. The right to erasure

Parents can request the deletion of their data where there is no compelling reason for its continued use. As a nursery we have guidelines on how long we need to retain certain records.

5. The right not to be subjected to automated decision-making including profiling

Ghanshyam Nursery School does not use this type of process.

6. The right to restrict processing

Parents can object to the processing of their data; meaning their records can be stored but must not be used in any way other than the mentioned above.

7. The right to object

Parent can object to their data being used for activities such as external marketing.

Ghanshyam Nursery School will not pass on your data to a third party for marketing purposes. At any point a parent can make a request relating to their data and we will provide a response (within a month). If we have a lawful obligation to retain data (OFSTED or EYFS), we could refuse but we will inform you of the reasons for rejection.

The Kind of information we will hold

Parents

Parents:

- Name
- Date of Birth
- Home Address
- Telephone numbers, and personal email address
- National Insurance number
- Bank Account details

We may also collect, store and use the following categories of more sensitive personal information:

- Information about Parent's race or ethnicity, spoken language, religion and nationality.
- Conversations with Parents where Employees of the Nursery deem it relevant to the prevention of radicalisation or other aspects of the Government's Prevent strategy

Children:

We will collect, store, and use the following categories of personal information

About Children:

- Name
- Date of Birth
- Home Address
- Dietary requirements
- Attendance information

- Photographs and video clips of the Child to signpost Children to where their belongings are stored at the nursery that they attend, and also for general display purposes
- Emergency contact should Parents be unavailable and the emergency contact's contact details.
- Record book for each Child containing the work of the Child whilst at the Nursery, observations about the Child's progress, photographs demonstrating the Child's development whilst at the Nursery, and personal details of the Child on their progress report.
- Records relating to individual Children e.g. care plans, common assessment frameworks, speech and language referral forms
- Records of any reportable injury, disease or dangerous occurrence.
- Accidents and pre-existing injuries forms.
- Observation, planning and assessment records of Children.

We may also collect, store, and use the following special categories of more sensitive personal information:

- Information about a Child's race or ethnicity, spoken language, religion and nationality.
- Information about Child's health, including Immunisation records, medical condition, health and sickness records.
- Information about Child's accident or incident reports including report of pre-existing injuries.
- Information about Child's incident forms/ child protection referral forms/ child protection case details/reports.

Staff

We will collect, store and use the following categories of personal information about Staff:

- Name
- Home address
- Telephone numbers, personal email address
- National Insurance numbers
- Next of Kin's details
- Bank details
- Record of Achievements, Certificates and Qualifications
- Passport, Driving license and utility bills information
- DBS information
- CV
- In house training record
- Staff appraisal records and disciplinary records

How is your personal information collected?

We collect personal information about Children and Parents when the initial enquiry is made by the parents through the enrolment process and until the Children stop using the Nursery's services.

We collect personal information about Staff when the initial application is made, when the position has been confirmed and until the staff leaves the Nursery.

How we will use the information about you

We will only use your personal information when the law allows us to. Most commonly. We will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered with you.

2. Where we need to comply with legal obligation.
3. Where it is necessary for our legitimate interest (or those of a third party) and your interest and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests)
2. Where it is needed in the public interest or official purposes.

Situations in which we will use personal information of Children

- Upon consent from the Parents, Personal Data of Children will be shared with schools for progression into the next stage of their education.
- Personal information of Children will be shared with local authorities without the consent of Parents where there is a situation where child protection is necessary.
- The personal information of Children will be shared with local authorities without the consent of Parents for funding purposes.
- Ofsted will be allowed access to the Nursery's systems to review child protection records.
- To ensure we meet the needs of the Children.
- To enable the appropriate funding to be received.
- Report on Child's progress whilst with the Nursery.
- To check safeguarding records.
- To check complaint records.
- To check attendance patterns are recorded.
- When a Child's Progress Report is given to its Parent in order for that Parent to pass the same Progress Report to a school application or enrolment purposes.

Data Sharing

We may have to share Child or Parent data with third parties, including third- party service provided and other entities in the group.

We require third parties to respect security of your data and treat with accordance with the law.

Why might the Nursery share Child or Parent personal information with third parties

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third- party service providers process my personal information?

- Local Authorities – for funding and monitoring reasons e.g. equal opportunities and uptake of funded hours
- Regulatory bodies – for ensuring compliance and the safety and welfare of the children
- Schools – to provide a successful transition by ensuring information about the child's progress and current level of development and interest are shared

Data Security

Paper copies of children's and staff records are kept in secure fire proof locked filing cabinets in the main nursery office.

Other personal data is also stored at various nursery locations e.g. learning journals. Members of staff have access to these files but information taken about the files of individual children is confidential.

Information about individual children is used in certain documents, such as weekly register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's name, date of birth and sometimes address. These records are shredded after the relevant retention period.

Upon a child leaving the nursery and moving on to school or another childcare setting, data held on the child may be shared with the receiving school or setting. Such information would be sent via post or email and will be coordinated between the settings.

Access to all Ghanshyam Nursery Office computers and other software accounts including email 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 sticks and external hard drives are password protected and stored in secured cabinet.

Data Retention

We hold information in our archive for the following amount of time, as per legal requirements:

- Staff Files 7 years
- Record of complaints 5 years
- Accident and incident forms 5 years
- Children's Information (including medical) 5 years
- Attendance registers 5 years
- Daily sheets e.g. nappy, sleeping and food record 6 months

Data Breach Protocol

As per GDPR requirements, data breach notification to the ICO is mandatory

If any kind of data breach were to occur Ghanshyam Nursery staff are required to:

- Report certain types of personal data breach to the relevant supervisory authority (ICO). This must be done within 72 hours of becoming aware of the breach, where feasible.
- If the breach is likely to result in a high risk of adversely affecting individual's right and freedom, inform those individuals without delay.
- Ensure we have robust breach detection. Investigation and internal reporting procedures in place. This will facilitate decision-making about whether or not we need to notify the relevant supervisory authority and the affected individuals.
- Keep records of any personal data breaches, regardless of whether you are required to notify.