

# Rainbow Early Years

## The General Data Protection Regulation Policy (GDPR)

### Statement of intent

Rainbow Early Years (REY) is required to collect personal information for its employees, committee, children, parents, and visitors. It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies. We intend to meet all the requirements of the Data Protection Act 1998 (the Act) and the General Data Protection Regulations 2018 when collecting, storing, and destroying personal data.

### Aim

We aim to ensure that all we adhere to the General Data Protection Regulations 2018 by following the Data Protection Policy.

### Methods

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, REY must comply with the Data Protection Principles which are set out in the Data Protection Act 1998. In summary these state that personal data must be:

- obtained and processed fairly and lawfully;
- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose; adequate, relevant, and not excessive for that purpose;
- accurate and kept up to date;
- not kept for longer than is necessary;
- processed in accordance with the data subject's rights;
- kept safe from unauthorised access, accidental loss, or destruction;
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All REY staff and volunteers who process or use any Personal Information must ensure that they follow these principles at all times. In order to ensure that this happens, REY has adopted this Data Protection Policy.

### **Notification of Data Held and Processed**

All employees, trustees, parents, visitors, and other members of the public have the right to:

- know what information REY holds and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date;
- know what REY is doing to comply with its obligations under the Act.

### **The Data Controller and the Designated Data Controllers**

REY as a registered charity is the Data Controller under the Act, and the organisation is therefore ultimately responsible for implementation. However, Designated Data Controllers will deal with day to day matters. REY Designated Data Controllers are:

Joanne Clarke- Preschool Manager  
Katie Clark - Office Administrator  
REY Committee Chairperson

### **Personal Information**

Personal Information is defined as any details relating to a living, identifiable individual. Within REY this relates to employees; attending children and their families; Committee; professional visitors; and some members of the public e.g. job applicants. We need to ensure that the information gained from each individual is kept securely and to the appropriate level of confidentiality.

The personal information collected from individuals could include:

- Their name
- Address
- Email address
- Telephone numbers-including those of emergency contacts
- Date of birth

- Medical information
- National Insurance number
- DBS numbers
- Observations of children's progress
- Children's reports, preschool or from outside professionals.
- Photographs
- Family medical history when necessary
- Written notes regarding children's development.

REY store personal information to comply with the statutory framework (EYFS 2017); to deliver services to our families e.g. government funding; to employ suitable people for our setting.

### **Processing of Personal Information**

All staff and volunteers who process or use any Personal Information are responsible for ensuring that:

- Any Personal Information which they hold is kept securely;
- Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Staff and volunteers should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases.

Personal information should be:

- kept in a locked filing cabinet; or
- in a locked cupboard; or
- if it is computerised, be password protected/encrypted;
- kept on a storage device which is itself kept securely.

### **Conversations and Meetings**

Information of a personal or confidential nature should not be discussed in a public area, in front of anyone that is not an employee of the preschool. Preschool employees should be aware of confidentiality at all times when discussions are taking place, either distancing themselves from the conversation if it does not concern them, or, ensuring that their discussion is not overheard by others. All staff should respect the confidential nature of any information inadvertently overheard.

When meetings are being recorded it is important that only relevant information is written down. This must be carried out using the correct forms provided by the preschool, notes must be written legibly and coherently. The written notes are then to be stored in a locked cupboard and disposed of (shredded) in a timely manner once the child/family have left the setting (1 year unless of a child protection nature).

### **Collecting Information**

Whenever information is collected about people, they should be informed why the information is being collected, who will be able to access it and to what purposes it will be used. The individual concerned must agree that he or she understands and gives permission for the declared processing to take place, or it must be necessary for the legitimate business of the preschool.

### **Sensitive Information**

Sensitive information is defined by the Act as that relating to ethnicity, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, criminal proceedings or convictions. The person about whom this data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

### **Disposal of Confidential Material**

Sensitive material should be shredded as soon as it is no longer needed; following retention guidelines and statutory requirements. Particular care should be taken to delete information from the tablets or the computer hard drive if they are to be disposed of.

### **Staff Responsibilities**

All staff are responsible for checking that any information that they provide to REY in connection with their employment is accurate and up to date. Staff have the right to access any personal data that is being kept about them, either on computer or in manual filing systems with permission. Staff should be aware of and follow this policy and seek further guidance where necessary.

### **Duty to Disclose Information**

There is a legal duty to disclose certain information, namely, information about: Child abuse, which will be disclosed to social care, or Drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.

### **Retention of Data**

REY takes care to only store personal information that is absolutely necessary.

Personal information is kept for the period of time requested following guidelines from the NDNA (National Day Nurseries Association), these retention periods are either recommended or statutory.

Stored information is filed in locked filing cabinet. Once the retention period has lapsed, the information is destroyed by shredding.

For retention periods please see the attached guidance.

This individual policy forms part of a larger policy document and should be read alongside our other individual policies.

Date adopted for REY: April 2018

Date of last review: Reviewed 30-8-19 J Clarke.  
Reviewed 4-8-20 J Clarke.

Date of next review: Annually