

Data Protection, Retention and Confidentiality Policy



EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
	2.1 Respecting each other	3.4 The wider Environment	

OVERVIEW

Rudgwick Pre-school needs to keep certain information about employees, children, parents, committee members and other users. This policy is intended to provide information about how the Pre-school will store and retain records. Data is not just data held on computers but includes information held in written records

Protecting the confidentiality and integrity of personal data is a key responsibility of everyone within the Pre-school.

As an organisation that collects, uses and stores personal data about its employees, **children**, parents, committee members and suppliers, the Pre-school recognises that having controls around the collection, use, retention and destruction of personal data is important in order to comply with our obligations under Data Protection Laws and in particular its obligations under Article 5 of GDPR.

ABOUT THIS POLICY

This Policy sets out the basis on which the Pre-school will collect and use personal data, either where the Pre-school collects it from individuals itself, or where it is provided by third parties. It also sets out rules on how the Pre-school handles uses, transfers and stores personal data.

It applies to all personal data stored electronically, in paper form, or otherwise in accordance with Data Protection Laws – The General Data Protection Regulation (Regulation (EU) 2016/679) and all applicable laws relating to the collection and use of personal data and privacy and any applicable codes of practice issued by a regulator including in the UK, the Data Protection Act 2018.

The Data Protection Officer is Claire Brown, Supervisor.

DATA PROTECTION PRINCIPLES

When using personal data, Data Protection Laws require that the Pre-school complies with the following principles. These principles require personal data to be:

- Processed lawfully, fairly and in a transparent manner;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary for the purposes for which it is being processed;
- Accurate and kept up to date, meaning that every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified as soon as possible;
- Kept for no longer than is necessary for the purposes for which it is being processed; and
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- These principles are considered in more detail in the remainder of this Policy.
- In addition to complying with the above requirements the Pre-school also has to demonstrate in writing that it complies with them. The Pre-school has a number of policies and procedures in place, including this Policy and the documentation referred to in it, to ensure that the Pre-school can demonstrate its compliance.

Personal data is defined broadly and covers things such as name, address, email address and also more sensitive types of data such as trade union membership, genetic data and religious beliefs. These more sensitive types of data are called “Special Categories of personal data” and are defined below. Special Categories of personal data are given extra protection by Data Protection Laws

Special Categories of personal data is personal data that reveals a person’s racial or ethnic origin, political opinions, religious beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record. Special Categories of personal data are subject to additional controls in comparison to ordinary personal data.

In order to collect and/or use personal data lawfully the Pre-school needs to be able to show that its use meets one of a number of legal grounds. The detailed grounds are listed on the ICO’s website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulationgdpr/lawful-basis-for-processing>

In addition, when the Pre-school collects and/or uses Special Categories of personal data, the Pre-school has to show that one of a number of additional conditions is met. The detailed additional conditions are on the ICO’s website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulationgdpr/lawful-basis-for-processing/special-category-data/>

TRANSPARENT PROCESSING – PRIVACY NOTICES

Where the Pre-school collects personal data directly from Individuals, the Pre-school will inform them about how the Pre-school uses their personal data. This is in a privacy notice. The Pre-school has adopted the following privacy notices:

- Privacy Notice for Parents
- Privacy Notice for Staff
- Privacy Notice for Committee Members

DATA QUALITY – ENSURING THE USE OF ACCURATE, UP TO DATE AND RELEVANT PERSONAL DATA

The Pre-school only collects and processes personal data to the extent that it is required for the specific purpose(s) notified to the Individual in a privacy notice (see paragraph above) and as set out in the Pre-school's record of how it uses personal data. The Pre-school will also ensure that the personal data it holds is accurate and kept up to date.

All Pre-school staff that collect and record personal data shall ensure that the personal data is recorded accurately, is kept up to date and shall also ensure that they limit the collection and recording of personal data to that which is adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used.

In order to maintain the quality of personal data, all Pre-school staff that access personal data shall ensure that they review, maintain and update it to ensure that it remains accurate, up to date, adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected and used. Please note that this does not apply to personal data which the Pre-school must keep in its original form (e.g. for legal reasons or that which is relevant to an investigation).

PERSONAL DATA MUST NOT BE KEPT FOR LONGER THAN NEEDED

The Pre-school does not keep personal data longer than is necessary for the purpose or purposes for which the Pre-school collected it.

The Pre-school has assessed the types of personal data that it holds and the purposes it uses it for and has set retention periods for the different types of personal data processed by the Pre-school, the reasons for those retention periods and how the Pre-school securely deletes personal data at the end of those periods.

DATA SECURITY

The Pre-school takes information security very seriously and the Pre-school has security measures against unlawful or unauthorised processing of personal data and against the accidental loss of, or damage to, personal data. The Pre-school has in place procedures to maintain the security of all personal data from the point of collection to the point of destruction.

DATA BREACH

Personal data breach is defined very broadly and is effectively any failure to keep personal data secure, which leads to the accidental or unlawful loss (including loss of access to), destruction, alteration or unauthorised disclosure of personal data. Whilst most personal data breaches happen as a result of action taken by a third party, they can also occur as a result of something someone internal does.

If this happens there will be a personal data breach and Pre-school staff must comply with Data Breach regulations, by completing a breach risk assessment, noting details on our breach register and where appropriate informing the information commissioner.

INDIVIDUALS' RIGHTS

The Pre-school will use all personal data in accordance with the rights given to Individuals' under Data Protection Laws, and will ensure that it allows Individuals to exercise their rights in accordance with our policies.

GDPR gives individuals control about how their data is collected and stored and what is done with it.

Subject Access Requests

Individuals have the right under the GDPR to ask the Pre-school to confirm what personal data they hold in relation to them and provide them with the data. The timescale for providing it is one month (with a possible extension if it is a complex request).

Where the request is complex and it will take more than one month the reason for delay will be explained in writing to the data subject making the request.

Right of Erasure (Right to be Forgotten)

This is a limited right for individuals to request the erasure of personal data concerning them where:

- the use of the personal data is no longer necessary;
- their consent is withdrawn and there is no other legal ground for the processing;
- the individual objects to the processing and there are no overriding legitimate grounds for the processing;
- the personal data has been unlawfully processed; and
- the personal data has to be erased for compliance with a legal obligation.

The Right of Rectification and Restriction

Finally, individuals are also given the right to request that any personal data is rectified if inaccurate and to have use of their personal data restricted to particular purposes in certain circumstances.

DATA RETENTION

Rudgwick Pre-school must, in respect of its processing of personal data, comply with the Data Protection Act 2018, the General Data Protection Regulation 2016/679, and related legislation (together, "Data Protection Laws").

The Pre-school is under a legal obligation only to keep personal data for as long as it is needed. Once the Pre-school no longer needs personal data, the Pre-school must securely delete it.

DATA RETENTION PERIODS

The Pre-school has assessed the types of personal data that it holds and the purposes the Pre-school use it for. The table in the appendix sets out the retention periods that the Pre-school has set for the different types of data that they each hold.

Legal framework

- General Data Protection Regulations (GDPR) (2018)
- Keeping Children Safe in Education (2016)
- Human Rights Act (1998)

Further guidance

- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2015)

Related Policies

- Confidentiality and Access to Records Policy
- Information Sharing Policy
- Record Keeping Policy
- Transfer of Records to School
- Safeguarding Child Protection
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This policy was adopted at a meeting of Rudgwick Pre-school

Held on 23rd March 2023

Date to be reviewed 23rd March 2025

Signed on behalf of the management committee *William Baldwin*

Name of signatory William Baldwin

Role of signatory Chairperson

Privacy Notice - Parents

Introduction

At Rudgwick Pre-school we are committed to ensuring that any personal data we hold about you and your child is protected in accordance with data protection laws and is used in line with your expectations.

This privacy notice explains what personal data we collect, why we collect it, how we use it and how we protect it.

What personal data do we collect?

We collect personal data about you and your child to provide care and learning that is tailored to meet your child's individual needs. We also collect information in order to verify your eligibility for free childcare as applicable.

Personal details that we collect about your child include:

- your child's name, date of birth, address, health and medical needs, development needs, and any special educational needs.

Where applicable we will obtain child protection plans from social care and health care plans from health professionals.

We will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.

Personal details that we collect about you include:

- Your name, home and work address, phone numbers, e-mail address, emergency contact details, and family details.

This information will be collected from you directly in the registration form.

When you apply for up to 30 hours free childcare, we will also collect:

- your national insurance number or unique taxpayer reference (UTR), if you're self-employed.

Why we collect this information and the legal basis for handling your data

We use personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. This includes using your data to:

- contact you in case of an emergency
- to support your child's wellbeing and development
- to manage any special educational, health or medical needs of your child whilst at our setting
- to carry out regular assessment of your child's progress and to identify any areas of concern
- to maintain contact with you about your child's progress and respond to any questions you may have
- to process your claim for up to 30 hours free childcare (only where applicable)
- to keep you updated with information about our service

With your consent, we will also record your child's activities for their individual learning record. This will include photographs. You will have the opportunity to withdraw your consent at any time, for images taken by confirming so in writing.

We have a legal obligation to process safeguarding related data about your child should we have concerns about their welfare. We also have a legal obligation to transfer records and certain

information about your child to the school that your child will be attending (see *Transfer of Records* policy).

Who we share your data with

In order for us to deliver childcare services we will also share your data as required with the following categories of recipients:

- Ofsted – during an inspection or following a complaint about our service
- the Local Authority (where you claim up to 30 hours free childcare as applicable)
- the government's eligibility checker (as above)
- our insurance underwriter (if applicable)
- the school that your child will be attending

We will also share your data if:

- we are legally required to do so, for example, by law, by a court or the Charity Commission;
- to enforce or apply the terms and conditions of your contract with us;
- to protect your child and other children; for example, by sharing information with social care or the police;
- it is necessary to protect our/or others rights, property or safety
- we transfer the management of the setting, in which case we may disclose your personal data to the prospective buyer so they may continue the service in the same way.

We will never share your data with any other organisation to use for their own purposes

How do we protect your data?

We protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed by:

Securing written data in a lockable cupboard/filing cabinet at pre-school, Computer data is stored on three Pre-school owned lap tops kept by the Supervisor, Finance Officer and Chairman. The Pre-school secretary also has access to Rudgwick Pre-school email address for the purposes of sending out information.

How long do we retain your data?

We retain your child's personal data for up to 3 years after your child no longer uses our setting, or until our next Ofsted inspection after your child leaves our setting. Medication records and accident records are kept for longer according to legal requirements. Your child's learning and development records are maintained by us and handed to you when your child leaves.

In some instances (child protection, or other support service referrals) we are obliged to keep your data for longer if it is necessary to comply with legal requirements (see our Children's and Provider Records policies).

Your rights with respect to your data

You have the right to:

- request access, amend or correct your/your child's personal data
- request that we delete or stop processing you and your child's personal data, for example where the data is no longer necessary for the purposes of processing; and
- request that we transfer your, and your child's personal data to another person

If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how we handle your data please contact us. If you continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The

ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk/

Changes to this notice

This notice was written 25th May 2018, it will be reviewed annually and you will be notified of any changes where appropriate.

Privacy Notice – Staff

Notice about how we use your personal information

We are the data controller of personal information about you. We are Rudgwick Preschool.

Our address is: The Scout Hut, Church Street, Rudgwick RH12 3HJ

Our Data Protection Officer is Claire Brown. If you have any questions about this policy or the ways in which we use your personal information, please contact our Data Protection Officer at

confidentialrudgwickpreschool@gmail.com

This privacy notice has been prepared in accordance with the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) and the Data Protection Act 2018.

This notice sets out how we use your personal information as your employer or when you apply for a job with us and in particular:

THE INFORMATION THAT YOU GIVE US

We will collect personal information from you when you apply for a job with us. This will include:

- Personal details such as name; address; phone number; email; date of birth
- Employment details such as NI number, DfE number;
- current employment details including job title, start and end dates, current salary, notice period, reason for leaving;
- past employment details;
- education details;
- other information such as whether you are related to any personnel of the Preschool or Committee; references; special arrangement details for interview; criminal record details; Disclosure Barring Service check, including European Economic Area (EEA) check; Prohibition from Management check; Prohibition from Teaching check; Check of Barred List/List 99; Pre-employment Health Questionnaire/Medical Report.

In addition, we will collect personal information from you when you are a new starter and become an employee of the Pre-school. This will include

- Personal details such as name; marital status; previous surname(s); address; telephone number; date of birth; occupation/department; type of employment; phone number; email addresses; next of kin and contact details;
- Employment details such as NI number; start date; offer letters; employment terms and conditions; changes to your terms and conditions; certifications/qualifications, disciplinary, grievance, capability, job descriptions, sickness absences, maternity/paternity/adoption information; accidents and injuries at work; working time information; annual leave records; recruitment information; photo; payroll details; gender; return to work notifications; parental leave request forms; Probation; training and development records; sickness absences; medical information
- Other information such as bank details; pension details; statement about employment; student loan details; bank account number; sort code; disqualification information;

THE USES MADE OF YOUR PERSONAL INFORMATION

We will use your personal information set out above as follows:

- for the recruitment process and for carrying out pre-employment checks;
- for safeguarding students;
- for checking your identity and right to work in UK;
- for checking your qualifications;
- to keep an audit trail of the checks we have made and our relationship with you in case of employment claims;
- to set up payroll and pension and to reimburse expenses;
- for dealing with HMRC;
- for communicating with you;
- for carrying out our role as your employer or potential employer.
- for quality monitoring of staff performance
- for monitoring and providing training

We treat your personal information with confidentiality and we do not use it for any other purposes.

THE LEGAL BASIS ON WHICH WE COLLECT AND USE YOUR PERSONAL INFORMATION

We collect and use your personal information on the basis that it is necessary for performing our employment contract with you, or it is necessary to take steps before entering into the contract with you. We also collect and use your personal information on the basis that we need to do so in order to comply with our legal obligations.

Where we collect your special category personal information, we do this on the basis that it is necessary for the purposes of carrying out our obligations in the field of employment law. Special categories of personal data are personal data that reveal a person's racial or ethnic origin, political opinions, religions or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics, information about their physical, physiological or behavioural characteristics (such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal records).

HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We will not keep your personal information for longer than we need it for the purposes we have explained above.

When you apply for a job with us, but your application is unsuccessful, we will keep your personal information for 6 months from the date of the interviews.

When you are an employee, we will keep your personal information for as long as you work with us and then after you leave, we will keep your personal information for 6 years from the end of your employment, apart from basic employment history (start and end dates and job titles) pension and payroll information which is held indefinitely

HOW WE SHARE YOUR PERSONAL INFORMATION

We may share the personal information that you give us with the following organisations (or types of organisation) for the following purposes.

- West Sussex County Council and / or the NEST Pensions Agency – in order to administer your pension
- Disclosure and Barring Service in order to establish your suitability to work with children

We may also share the personal information that you give us with the following organisations (or types of organisation) for the following purposes, however we will always ask your permission to do so.

- Sodexo – in order to administer the childcare voucher scheme

YOUR RIGHTS OVER YOUR PERSONAL INFORMATION

You have a number of rights over your personal information, which are:

- the right to make a complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/>);
- the right to ask us what personal information about you we are holding and to have access to a copy of your personal information;
- the right to ask us to correct any errors in your personal information;
- the right, in certain circumstances such as where our use of your personal information is based on your consent and we have no other legal basis to use your personal information, to ask us to delete your personal information;
- the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information;
- the right, in certain circumstances, to ask us to review and explain our legitimate interests to you; and
- the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly-used, machine-readable format.

CHANGES TO OUR POLICY

We keep our Data Protection policy under regular review. Any changes we make to our policy in the future will be notified to you.

Privacy Notice – Committee Members

Under data protection law, individuals have a right to be informed about how the Pre-school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data for Committee Members. We, Rudgwick Pre-school, are the 'data controller' for the purposes of data protection law.

You can contact our Data Protection Officer, Claire Brown by emailing confidentialrudgwickpreschool@gmail.com

The Pre-school will collect the following information from you, which we need in order to carry out our functions. The legal grounds for processing the information are outlined under each section and we've included a consent declaration at the end of the document in respect of certain categories of personal data which we hold about you.

The personal data we hold

- Contact details - Your home address, personal email address, home and mobile phone numbers.
- Your name, address and date of birth
- payment of expenses.
- Photographs
- DBS checks

Why we use this data

We use this data to:

- To contact you regarding meetings, other relevant events and general committee and pre-school communications
- To identify possible conflicts of interest, i.e. situations where your interests may (or may appear to) influence your decision making.
- required for the Charity Commission

Our legal basis for using this data

We only collect and use personal data when the law allows us to. Most commonly, we process it where:

- We need it to fulfil our contractual obligations to you
- need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use your personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using your personal data overlap, and there may be several grounds which justify our use of this data.

Primarily the legal grounds which allow the Pre-school to process Committee member's personal data is that the Pre-school provides education for children and under the Children Act 2004, has a statutory duty to safeguard and promote the welfare of its learners. In addition, the Pre-school as an exempt charity under the Charities Act 2011, as amended, has a statutory duty to ensure that its committee members are eligible to act as trustees and therefore collects their declarations and conducts checks to satisfy this requirement.

Collecting this information

While the majority of information we collect is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

How long we keep your personal information

We keep personal information about Committee members while they are in Office.

We may also keep it beyond this for various reasons. The Pre-school retains Committee member contact information for up to **5 years** after a person has ceased to be a member so that the Committee may complete year-end processes for any financial years in which a Governor was appointed and should any legal queries arise.

Should any member be directly involved in a safeguarding matter related to an individual pupil then this may result in personal data being entered on that pupil's safeguarding file. Under current legislation, safeguarding information about individual children is retained for up to 70 years, i.e. the normal life span of a person.

The Pre-school has a Data Protection and Retention Policy which is available on our website which details how long we keep specific types of data

How we share your personal information

We may share the personal information that you give us with the following organisations (or types of organisation) for the following purposes.

Organisation

The Government's Disclosure and Barring Service (DBS)

Purpose:

To check whether you have any previous convictions which would make you unsuitable for working with children and young people.

Organisation / type of organisation:

The Charity Commission Statutory Register of trustees

Purpose

The Pre-school processes this data because it is required to do so either by regulations made by the Secretary of State for Education or because it is required to do so as a contractual obligation under its funding agreements. The data will be retained for the period of time set out in the regulations and contract.

How we transfer your personal information outside Europe

We do not store or transfer your personal data outside Europe, however the register of interests will be made available to the public on request, The Pre-school provides access to it on request because it is under a legal obligation to do so. Committee members names will also be available via the Government Charity Commission website which can be viewed internationally as can the Pre-school website.

Other rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact the Data Protection Officer.

CHANGES TO OUR POLICY

We keep our Data Protection policy under regular review. Any changes we make to our policy in the future will be notified to you.

Privacy Notice for Committee Members: Your Consent for Photos/Videos

Images of you may be used in publicity material, such as information leaflets, newsletters, press releases or on the internet (websites, to name a few) in connection with the services provided by the Pre-school. These images will be stored in a database and may be used for publication (as described above) and will be viewed by the public.

A photograph of every Committee member is placed on the Pre-school website. The Pre-school relies on your permission for processing your personal image. That

Appendix - Data Retention

Type of Data	Retention Period	Reason	Disposal Method
Staff Application forms; interview notes	6 months from the date of the interviews	Limitation period for litigation	Shredding
Basic Employment Record (start and end date – job title)	10 years from the end of employment and past their pensionable age.	Provision of basic factual references	Shredding
Detailed Personnel Files	6 years from the end of employment	Provision of references and limitation period for litigation	Shredding
Income Tax and NI returns; correspondence with Tax Office	At least 3 years after the end of the financial year to which the records relate	Income Tax (Employment) Regulations 1993	Manual deletion
Wages and salary records and pension records	10 years from the end of employment and past their pensionable age	Taxes Management Act 1970 In order to supply pension providers and answer queries	Shredding
Statutory Maternity Pay records and calculations	At least 3 years after the end of the financial year to which the records relate	Statutory Maternity Pay (General) Regulations 1986	Manual deletion

Statutory Sick Pay records and calculations	At least 3 years after the end of the financial year to which the records relate	Statutory Sick Pay (General) Regulations 1982	Manual deletion
Accident Books, records and reports of accidents	3 years after the date of the last entry	RIDDOR 1995	Shredding
Child application forms	3 years after completion of Pre-school	In case of queries	Shredding
Child attendance and attainment (including scrapbooks)	3 years after completion of Pre-school	In case of queries	Shredding
Child Medical Records	3 years after completion of Pre-school	In case of queries	Shredding
Complaints	3 years after completion of Pre-school	In case of queries	Shredding
Safeguarding investigations	Up to 25 years	Statutory requirement	Shredding
Committee member records	Termination/completion of term plus 5 years	Statutory requirement	Shredding

3 years or 5 years?