

# **POLICY 12**

## **UK GDPR Policy**

### **UK General Data Protection Regulation (GDPR)**

*“The UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998. Practitioners must have due regard to the relevant data protection principles which allow them to share personal information”.*

*“The UK GDPR and Data Protection Act 2018 place greater significance on organisations being transparent and accountable in relation to their use of data. All organisations handling personal data need to have comprehensive and proportionate arrangements for collecting, storing, and sharing information”. ‘Information Sharing (2018)’.*

The UK GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

### **Introduction**

The Board of Directors and Manager have overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with UK General Data Protection Regulation 2018 and all other statutory provisions.

Our Nursery is required under the Early Years Foundation Stage statutory guidance, to collect and use certain types of information about children, parents and carers. These also include current, past and prospective employees, suppliers, clients and customers and others with whom we communicate. In addition, we may be occasionally required by law to collect and use certain types of information of this kind to comply with the requirements of government departments and agencies, for example, OFSTED and Bradford Council.

Information/data which is collected via the Early Years Funding Parent Agreement form will be shared with Bradford Metropolitan District Council for the purpose of checking eligibility and securing funding. It is also used for Department for Education termly census.

This personal information will be dealt with correctly however it is collected, recorded and used – whether on paper, in a computer or recorded on other material and there are safeguards to ensure this in the UK General Data Protection Regulation.

We recognise that the lawful and correct treatment of personal information by The Life Nursery is very important to successful operations and to maintaining confidence between those with whom we deal and ourselves. We therefore ensure that our nursery treats personal information lawfully and correctly.

### **Data Protection Principles**

To demonstrate our commitment, we fully endorse and adhere to the Principles of data protection as set out in the UK General Data Regulation 2018.

Specifically, the principles require that personal information:

- a) Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions set out in the UK GDPR are met;
- b) Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
- c) Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- d) Shall be accurate and, where necessary, kept up to date;
- e) Shall not be kept for longer than is necessary for that purpose or those purposes and retained only for as long as necessary;
- f) Shall be processed in accordance with the rights of data subjects under the UK GDPR;

Also that:

- g) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss, damage or destruction to personal data;
- h) Personal data shall not be transferred to a country or territory outside of the European Economic Area unless that country or territory is subject to a 'Community Finding' by the European Commission, which permits transfer.

### **Our Commitment**

The Life Nursery will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality and accuracy of personal information used;
- Apply strict checks to determine the length of time information is held;
- Ensure that the rights of people about whom information is held can be fully exercised under the GDPR. These include: the right to be informed that processing is being undertaken; the right of access to one's personal information; the right to prevent processing in certain circumstances; the right to correct, rectify, block or erase information which is regarded as wrong;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Ensure that everyone managing and handling personal information is appropriately trained to do so;
- Deal with queries about personal information promptly and courteously.

### **Disclosure of Personal Information**

In general, The Life Nursery will only disclose personal information about individuals with their consent. However, there are circumstances under which personal information may be disclosed without consent. Some of these are listed below:

- In connection with any legal proceedings or for the purposes of the detection and prevention of crime;
- In connection with any child protection case

In any event, personal information will only be disclosed with proper justification under the General Data Protection Regulation.

### **Information Commissioner's Office (ICO)**

The Life Nursery is registered with the information Commissioner's Officer (ICO) under the provisions of the UK General Data Protection Regulation ensuring that our processing of personal information is lawful. (see attached Certificate of Registration). The ICO uphold information rights in the public interest.

### **Important Notice**

All nursery staff have a duty to make sure that they comply with the requirements of the UK General Data Protection Regulation. In particular, all staff must ensure that records are:

- Fair
- Accurate and where necessary up-to-date
- Kept and disposed of safely and securely

Individual members of staff can be liable in law under the terms of this Regulation. They may also be subject to claims for damages from persons harmed or who suffer distress as a result of inaccuracy, unauthorised use or disclosure of their data. Any deliberate breach of this policy will be treated as a disciplinary matter and serious breaches of the Regulation may lead to dismissal.

### **Legislation**

Information Sharing Advice for practitioners providing safeguarding services to children. Young people, parents and carers (2018)