



6.7 DATA PROTECTION

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Policy statement

St Saviour's Preschool and Nursery collects and uses personal information about staff, students, parents or carers and other individuals who come into contact with the setting. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the setting complies with its statutory obligations.

St Saviour's Preschool and Nursery is registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all students/parents or carers, this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018 and the GDPR, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Principles

The Data Protection Act 2018 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 2018;

7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

Authorised Disclosures

St Saviour's Preschool and Nursery will, under normal circumstances, only disclose data about individuals with their consent. However, there are circumstances under which the nursery may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the Pre- School to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the Pre-School.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.

Only authorised staff will be allowed to make external disclosures of personal data. Data used within the Pre- School by the staff will only be made available where the person requesting the information is a professional legitimately working with St Saviour's Preschool and Nursery, who has a need to know the information.

Physical Security

Appropriate building security measures are in place, such as locked doors. Only authorised persons are allowed access to data. Disks, tapes and printouts are kept securely when not in use. Visitors to the nursery are required to sign in and out and are, where appropriate, accompanied.

Any queries or concerns about security of data in the nursery should in the first instance be referred to the manager.

Disposal of Information

All physical records of personal details, when no longer required, will be disposed of sensibly by use of shredder. Electronic records will be permanently deleted from computers and external drives.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

Supporting documents

Fair Processing Notice (Appendix 1)

Further guidance

Data Protection Act 2018

Information Commissioner's Office <https://ico.org.uk/>

Appendix 1

St Saviour's Preschool and Nursery Fair Processing Notice.

Information on children and pupils is processed by a number of organisations in order to help administer education and children's services, and they all have to comply with the Data Protection Act 2018 and GDPR. These organisations are Early Years Settings, schools, Local Authorities (LAs), the Secretary of State for Children, Schools and Families and the Department for Children, Schools and Families (DCSF) (the government department which deals with education and children's services), the Qualifications and Curriculum Authority (QCA), Her Majesty's Chief Inspector for Schools and the Office for Standards in Education (Ofsted), and the National Assessment Agency (NAA). What this means, among other things, is that the data held about children must only be used for specific purposes allowed by law.

Why that data is held, and to whom it may be passed on.

The Early Years Setting holds information on children in order to support their development, to monitor their progress, to provide appropriate pastoral care, and to assess how well the Setting as a whole is doing. This information includes contact details, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time Early Years Settings are required to pass on some of this data to LAs, the DCSF and to agencies that are prescribed by law, such as QCA and Ofsted. In particular, at age five an assessment is made of all children (the Foundation Stage Profile) and this information is passed to the Local Authority and receiving maintained schools. The Local Authority (LA) uses information about children for whom it provides services to carry out specific functions for which it is responsible. For example, the Local Authority will make an assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform various decisions. The statistics are used in such a way that individual children cannot be identified from them. The Qualifications and Curriculum Authority (QCA) uses information about children to administer national assessments such as the Foundation Stage Profile. Any results passed on to the DCSF are used to compile statistics on trends and patterns in levels of development. The QCA can use the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved. Her Majesty's Chief Inspector for Schools and Ofsted use information about the progress and performance of children to help inspectors evaluate the work of Early Years Settings, to assist them in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual children. The National Assessment Agency (NAA) uses information for those, relatively few, Settings undertaking the Foundation Stage Profile. The resulting data is passed on to the NAA which also uses information in working with schools, the QCA, and Awarding Bodies, for ensuring an efficient and effective assessment system covering all age ranges is delivered nationally.

The Secretary of State for Children, Schools and Families and the Department for Children, Schools and Families (DCSF) use information about children and pupils for research and statistical purposes, to allocate funds, to inform, influence and improve education policy and to monitor the performance of the education and children's services as a whole. The DCSF will feed back to LAs information about children for a variety of purposes that will include data checking exercises, and use in self-evaluation analyses. Information about children may be held to provide comprehensive information back to the LA in order to help it carry out its statutory functions. The DCSF may also use contact details from these sources to obtain samples for statistical surveys: these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys. The DCSF may also disclose individual child and pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

Children, as data subjects, have certain rights under the Data Protection Act 1998, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves.

If you wish to access the personal data held about your child, then please contact the relevant organisation in writing:

St Saviour's Preschool and Nursery, 15 Gurney Court Rd, St Albans, Herts, AL1 4QU

The Local Authority at: Hertfordshire County Council, Data Protection Team, Room C1, CHO150, County Hall, Pegs Lane, Hertford, Herts, SG13 8DQ

Safeguarding Children's Board: Hertfordshire Safeguarding Children Board Team, Room 147, Postal Point CHO143, County Hall, Hertford, Hertfordshire, SG13 8DF

In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor.