



## General Data Protection Regulation Policy

### Statement

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Esprit Nursery Limited trading as Morecambe Day Nursery is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Esprit Nursery Limited is registered with the ICO (Information Commissioner Office) under registration reference: ZA310862 and has been registered since 25<sup>th</sup> January 2018. Our certificate is displayed on our parent's notice board.

### GDPR includes seven rights for individuals

#### The right to be informed

Esprit Nursery Limited is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's' full names, addresses, date of birth and hold a copy of the child's passport or birth certificate. For parents claiming the free nursery entitlement we are requested to provide this data to Lancashire County Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to our Nursery. We need to know visitor names, date and time of visit and the reason for visit. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Esprit Nursery Limited is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to CRB Disclosure Services Limited for the processing of DBS checks.

Esprit Nursery Limited may uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

#### The right of access

At any point an individual can make a request relating to their data and Esprit Nursery Limited will need to provide a response (within 1 month). Esprit Nursery Limited can refuse a request, if we have a lawful obligation to retain data i.e.

from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision.

### The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However Esprit Nursery Limited has a legal duty to retain children's and parents details for a reasonable time\*. Esprit Nursery Limited retain these records in line with the Pre-School Learning Alliance Retention periods and area as follows:

Document Type	Retention Period
Registers	3 years from date stated on Register
Medication Records	3 years from child leaving Nursery
Accident Records	19 years from the child leaving Nursery or until the child reaches 21 years.
Child Protection Records	22 years from the child leaving Nursery or until the child reaches 24 years.

This data is archived securely and shredded after the legal retention period.

### The right to restrict processing

Parents, visitors and staff can object to Esprit Nursery Limited processing their data. This means that records can be stored but must not be used in any way, for example for reports or communications.

### The right to data portability

Esprit Nursery Limited requires data to be transferred from one IT system to another; such as from Esprit Nursery Limited to the Local Authority, and to Tapestry' Online Learning Journal. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

### The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research. Under the new GDPR regulations, parents, visitors and staff must actively opt-in to receive such communications.

### The right not to be subject to automated decision-making including profiling

Esprit Nursery Limited does not use personal data for such purposes.

## Storage and use of personal information

All paper copies of children's and staff records are kept in locked cupboards and filing cabinets. Members of staff can have access to these files but information taken from the files about individual children is confidential and these records remain on site at all times. These records are shredded after the retention period.

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

Esprit Nursery Limited collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded after 3 months if the child does not attend.

Upon a child leaving Esprit Nursery Limited and moving on to school or transferring to a new setting, data held on the child may be shared with the receiving school. Data may be emailed, and if so attached documents will be password protected.

Access to all computers, tablets and Tapestry Online Learning Journal 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 stick, are password protected and/or stored in a locked filing cabinet.

GDPR means that Esprit Nursery Limited must;

- Manage and process personal data properly
- Protect the individual's rights to privacy
- Provide an individual with access to all personal information held on them

This Policy was adopted by the Directors in May 2018

Emma Hepburn, Director	16 <sup>th</sup> May 2018
Dawn Hepburn, Director	16 <sup>th</sup> May 2018