



## Westfield Nursery Nursery General Data Protection Regulation (GDPR) Policy

### Vision

At Westfield Nursery we aim to deliver against our vision 'Inspired beginnings, outstanding futures'.

### Background

The General Data Protection Regulation (GDPR) is a piece of legislation which determines how people's personal data is processed and kept safe, and the legal rights individuals have in relation to their own data. 'Personal data' means information

that can identify a living individual.

### Rationale

The Nursery collects and uses personal information about staff, children, governors, parents/ carers, students and other individuals who come into contact. This policy sets

out the way personal data is processed fairly and lawfully.

Personal information is gathered 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 Nursery complies with its statutory obligations.

The Nursery is a data controller and must therefore comply with the data protection principles in the processing of personal data, including the way in which the data is obtained, stored, used, disclosed, and destroyed. The Nursery must be able to demonstrate compliance. Failure to comply with the principles exposes the Nursery to possible financial penalties.

Details of the Nursery's purpose for holding and processing data can be viewed in the

privacy notice which can be found on the website.

Please note, in some instances due to statutory regulations, this policy does not apply

e.g. staff grievances, allegations of abuse.

### Statement of Intent

Westfield Nursery aims to:

- Process personal data in compliance with the General Data Protection Regulations
- Ensure that staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities under this policy
- Safeguard the data protection rights of those involved with the Nursery community
- Instil confidence in the Nursery's ability to process data in a fair and secure way

### Scope

This Policy applies to the following:

- Personal data of all Nursery employees, governors, pupils, parents and carers, volunteers and any other person carrying out activities on behalf of the Nursery
- The processing of personal data, both in manual form and on computer

### Data Protection Principles

GDPR sets out the key principles that all personal data must be processed in line with.

Westfield Nursery School will thereby ensure that personal data will be the following:

- Processed fairly, lawfully and in a transparent manner

- Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed
- Accurate and, where necessary, kept up to date
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a way 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

There are also stronger rights for individuals regarding their own data. These rights are to be informed about what data is held, why it is being processed and who it is shared with; to access their data; to rectification of the record; to erasure; to restrict processing; to object to processing; to not to be subject to automated decision-making

including profiling.

#### Roles and Responsibilities

The Governing Body and the Headteacher are responsible for implementing good data

protection practices and procedures within the Nursery and for the compliance with the Data Protection Principles.

It is the responsibility of all staff to ensure that their working practices comply with the

Data Protection principles. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures forming part of this policy. The requirements of this policy are also mandatory for any third party contracted to provide

services to the Nursery.

The Data Protection Officer (DPO) will have responsibility for all issues relating to the processing of personal data. The DPO will comply with responsibilities under the GDPR and will deal with subject access requests for rectification and erasure, and data security breaches. All complaints about data processing will be dealt with in accordance with the Nursery's Complaints Policy. The Nursery's Data Protection Officer is the Headteacher.

#### Strategies

- Staff will receive training on the data protection requirements with specific relation to Nursery policy
- GDPR protocols and practice will form part of the induction process for new staff
- Privacy Notices for staff and stakeholders will be transparent
- The GDPR Policy and Privacy Notices will be available on the Nursery's website

#### Consent

Where the Nursery seeks consent for processing personal data, such as the use of photographs, it will ensure that appropriate signed consent is obtained. Consent forms

will detail how consent can be withdrawn. For our young children, written consent will be required from the adult with parental responsibility.

We currently ask consent for

- Participation in visits to Beecroft Community Centre/ Beecroft School
- Using the internet in school under supervision
- Photos for display in class (display/ learning journey)
- Photos/videos for school publications (newsletters/ brochure)
- Photos/videos for school website
- Photos/videos for school productions (e.g. Christmas/ end of year etc.)

- Class photos
- Photos in local press
- Class list with first names only (Christmas cards/ parties)

#### Location of Personal Information and Data

Hard copy data, records, and personal information are stored out of sight and in locked

cupboards when not in use or unattended. The only exception to this is medical information that may require visibility or immediate access during the Nursery day and

is necessary for the well-being of the person involved.

#### Sharing Data with Third Parties and Data Processing on Behalf of the Nursery

Personal data will only be shared with appropriate authorities and third parties where it is fair and lawful to do so e.g. local authorities, Ofsted or the Department of Education

or Health. Any sharing will be undertaken by trained personnel using secure methods.

Where a third party undertakes data processing on behalf of the Nursery. The Nursery

will ensure that there is a written agreement requiring the data to be processed in accordance with the Data Protection Principles.

Data may be shared with the following:

- Education Establishments – Data will be shared to allow a smooth transition for pupils moving to another setting
- Health Authorities - As obliged under health legislation, the Nursery may pass on information regarding the health of children in the Nursery to monitor and avoid the spread of contagious diseases in the interest of public health.
- Police and Courts - If a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.
- Social workers and support agencies - To protect or maintain the welfare of our pupils, and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.
- Educational division - Nurseries may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education

#### Subject Access Requests

Requests for access to personal data- Subject Access Requests (SARs) will be processed by the DPO. Those making a SAR will be charged a fee in accordance with regulations. Records of all requests will be maintained.

The Nursery will comply with the statutory time limits for effecting disclosure in response to a SAR. The statutory time limit is one calendar month of receipt of the request (barring school holiday times).

#### Data Protection Breaches

Breaches of personal or sensitive data will be notified within 72 hours to the individual(s) concerned and the Information Commissioners Office (ICO).

#### Disposal of Personal Data

See Record Retention and Disposal Policy

#### Guidelines for Staff:

- All passwords used to access computers, memory sticks or systems where personal data is stored must use a mixture of lower case letters, upper case letters, symbols and numbers in their passwords
- Nursery computers should be locked or shut down when unattended and at the end of the Nursery day
- Only transport electronic information from Nursery on a secure computing device

i.e. password protected laptops and memory sticks

- Use pseudonyms and anonymise personal data where possible
- Ensure that all postal and e-mail addresses are checked to ensure safe dispatch of information. When sending personal information by post the envelope should clearly state 'Private – Contents for Addressee only'
- Avoid taking paper-based documentation out of Nursery wherever possible. If paper-based documentation is taken out of Nursery, then please ensure that it is kept secure e.g. lockable drawer at home or in a sealed envelope which indicates a return address if misplaced. Return it to Nursery as soon as possible
- When transporting paper-based documentation, make sure that it is locked during transit e.g. in the locked boot of a car. Never leave documentation in vehicles overnight
- Lock documentation containing personal information away at night and when not being used during the daytime
- Shred documentation containing personal information and never put paper-based documents containing personal information into recycling bins
- Collect paper copies of printouts containing personal information from printers/photocopies straight away
- Avoid e-mailing documents to personal e-mail addresses
- Never store work related documents on a shared home computer and never let Nursery computers/laptops be used by others e.g. son's/daughter's homework use
- Only print off documents containing personal data if necessary
- Report any loss of paper-based information or portable computer devices to the DPO immediately
- Personal passwords, where the accessing of personal data is possible, must not be shared with others. Passwords of staff leaving the Nursery should be changed/removed in a timely manner
- The personal details of others, at social events or in public places, must not be discussed. Take care if reading documentation containing personal information on public transport or leaving personal information unattended in a public place e.g. meeting, course
- Only copy necessary recipients into e-mail correspondence and only post necessary information when sending information via the postal service
- Always ask the DPO if you are unsure about storage/transportation or sharing of information containing personal information

### **Visitors**

Visitors will be made aware of GDPR requirements and visitors, when signing in, acknowledge that they won't share or publicise anything from their visit without first gaining explicit consent from the nursery.

### **Conclusion**

The implementation of this policy, along with the Record Retention & Disposal Policy, the Data Breach Procedures Policy and Privacy Notice will demonstrate the Nursery's desire to comply with GDPR.

Policy reviewed December 2023