

# **Data Protection Policy**

Sunny Socks Nursery School is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the General Data Protection Regulation (GDPR) May 2018.

Sunny Socks Nursery Schools Ltd is the data controller of your Information for the purposes of the General Data Protection Regulation 2018. The Company's Data Protection Officer is Natalie Smith.

Sunny Socks is a registered member of the Information Commissions (ICO)

## **Procedure:**

In accordance with the requirements outlined in the GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent way in relation to individuals.
  - Obtained only for one or more specified and lawful purposes, and will not be processed in any manner incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
  - Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date with annual reviews.
  - Kept no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.
  - Kept in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful use and against accidental loss, destruction or damage.
  - Sunny Socks Nursery School will appoint a Data Protection Officer in order to inform and advise the nursery and its employees about their obligations to comply with the GDPR and other data protection laws as well as to monitor the school's compliance with the GDPR.

### Consent

- Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific and informed.
- Where consent is given, a record will be kept documenting how and when consent was given.
- Consent can be withdrawn by the individual at any time.
  - Where consent is not achieved or an individual has asked to have data deleted it may result in the Nursery being unable to care for a child adequately and therefore unable to continue to offer the service.
  - In the case of children under 16 years old, the consent of parents or carers will be sought prior to the processing of their data, with the exception where the processing is related to child protection issues where consent may put the child at increased risk.

### Privacy Notices

- All parents, students and employees will receive a Privacy Notice to explain how we are processing their personal data.
- The Privacy Notice will be written in clear, plain language which is concise, transparent, easily accessible and free of charge.
- The following information will be supplied within the privacy notice:
  - The identity and contact details of the controller and the DPO
  - What data will be collected and how it will be collected
  - The purpose of, and the legal basis for, holding the data
  - How the data is stored
  - Who has access to the data
  - How long the data will be stored for and if this is legally required or recommended
  - Which 3<sup>rd</sup> parties, if any, the data is shared with
  - Information on consent and complaint

### The Right to Access

- All individuals have the right to obtain a copy of their personal data that we hold.
- Individuals must write to the Company's Data Protection Officer at Sunny Socks, to gain access to their personal data in order to verify the lawfulness of the processing.
- The Nursery will verify the identity of the person making the request before any information is supplied.
- A copy of the information will be supplied to the individual free of charge;

however, Sunny Socks may impose a 'reasonable fee' to comply with requests for further copies of the same information.

- Individuals are entitled to have any inaccurate or incomplete personal data rectified.

#### Data in Transit

- There may be occasions when it is necessary for sensitive and personal data to be taken outside of the office e.g. if a member of staff is asked to attend a case conference in a child protection issue.
- All employees are personally responsible for taking reasonable and appropriate precautions to ensure that all sensitive and confidential data taken outside of the office is secure.
- Any data loss must be reported immediately to the Data Protection Officer who will assess the situation and impact and agree the necessary action.

#### Storage of data

- All parent, child and staff information is stored securely according to the requirements of data protection registration
- The nursery's records and documentation are kept and stored in accordance with minimum legal archiving requirements
- When the length of time has expired all records will be destroyed by shredding and all electronic data will be deleted.

#### Third Parties

- We may be required to share personal information about our staff or pupils with other organisations, mainly the LA, Department for Education, other schools and educational bodies, children's health care, social and welfare

services and other third parties, such as payroll providers and pension providers.

- We may pass Information to third party financial organisations in order to enforce or apply our terms and conditions and other agreements or protect the rights, property, or safety of our customers, or others. This includes exchanging information with other companies and organisations for debt recovery.

#### Employees Obligations

Employees must comply with these guidelines at all times:

- Employees must not give out any confidential personal information, including to members of the same family, unless explicit prior consent.
- Be aware that those seeking information sometimes use deception to gain access to it.
- Always verify the identity of the data subject and the legitimacy of the request, particularly before releasing personal information by telephone.
- Always forward a request for personal information for other employees, parents, children etc directly to the Data Protection Officer
- Ensure any personal data which is held, is kept secure.

If an individual has a concern about the way we are collecting or using their personal data, we request that they raise their concern with us in the first instance. Alternatively, they will be directed to the Information Commissioner's Office at <https://ico.org.uk/concerns>

Where a breach of data has been detected, the Data Protection Officer will be informed and will investigate the breach fully, Where a breach is likely to result in a risk to the rights and freedoms of individuals, for example result in discrimination, damage to reputation, financial loss, loss of confidentiality they will notify those concerned directly as well as the Information Commissioners Office.

With regard to employees; a serious breach of data protection is a disciplinary offence and will be dealt with under the Company's disciplinary procedure. If a member of staff accesses another individuals personal records without authority, this constitutes a gross misconduct offence and could lead to dismissal.