

DATA PROTECTION POLICY

This policy is a statement of the aims and principles of the Yaxley & Mellis Pre-School, for ensuring the confidentiality of sensitive information relating to staff, children, parents, directors and committee members.

Introduction

Yaxley & Mellis pre-school needs to keep certain information about its employees, directors, volunteers, families and other members of the public to enable it to monitor performance, achievements and health and safety for example. It is also necessary to process information so that staff can be recruited and paid, courses and activities organised and legal obligations to funding bodies and government complied with.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Yaxley & Mellis Preschool must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act).

In summary these state that personal data must be:

- obtained and processed fairly and lawfully;
- obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose;
- adequate, relevant and not excessive for that purpose;
- accurate and kept up to date;
- not be kept for longer than is necessary;
- processed in accordance with the data subject's rights;
- kept safe from unauthorised access, accidental loss or destruction;

All Yaxley & Mellis Pre-school staff, volunteers and directors who process or use any personal information must ensure that they follow these principles at all times.

Status of this Policy

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the pre-school from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

The Pre-School as a registered charity is the Data Controller under the 1998 Act, and the Directors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

Yaxley & Mellis Pre-School Designated Data Controllers are: Committee Chair and Administration Manager

Any member of staff, parent or other individual who considers that the policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with one/both Designated Data Controllers initially.

If the matter is not resolved it should be raised as a formal grievance.

Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the pre-school holds and processes about them or their child and why.
- Know how to gain access to it.

- Know how to keep it up to date.
- Know what the pre-school is doing to comply with its obligations under the 1998 Act.

This Policy document addresses in particular the last three points above. To address the first point, the pre-school will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the pre-school holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should contact our Administration Manager.

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the pre-school in connection with their employment is accurate and up to date.
- Staff have the right to access any personal data that is being kept about them either on computer or in manual filing systems.
- Informing the pre-school of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently.

The pre-school cannot be held responsible for any errors unless the staff member has informed the pre-school of such changes. Staff should be aware of, follow this policy and seek further guidance where necessary.

Data Security

All staff and directors are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Unauthorised disclosure will be a disciplinary matter, and may be considered gross misconduct in some cases.

Information Held

Personal information is defined as any details relating to a living, identifiable individual. Within Yaxley & Mellis Pre-school this applies to employees, directors, volunteers, committee members, families and other members of the public such as job applicants and visitors. We need to ensure that information relating to all these people is treated correctly and with the appropriate degree of confidentiality.

Information which may be held includes the following:

- List of names, addresses and home telephone numbers and emergency contact numbers of children attending and staff/ volunteers/ students whether on spreadsheet or paper.
- Paper or computer based employee files containing employment records, bank account details and national insurance numbers.
- Training records of staff.
- Performance records of staff.
- Information contained on e-mail which may mention the individual's name.
- Laptop computers holding personal data.
- Children's assessment / observation records.
- Information provided to, or received from, external sources.

- Photographs.
- Incident reports.

This list is not exhaustive and will be subject to change.

Some Personal Information is defined as Sensitive Data and needs to be handled with special care.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the pre-school is a safe place for everyone, or to operate other pre-school policies, such as the Sick Pay Policy or the Equal Opportunities Policy.

Because this information is considered sensitive under the 1998 Act, staff, directors and committee members will be asked to give their express consent for the pre-school to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Subject Consent

In many cases, the pre-school can only process personal data with the consent of the individual.

In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the pre-school processing some specified classes of personal data is a condition of acceptance of employment for staff and enrolment of directors and committee members. This includes information about previous criminal convictions.

Employment will bring the applicants into contact with children. The pre-school has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The pre-school has a duty of care to all its staff and families and must therefore make sure that all employees and those who represent the pre-school do not pose a threat or danger to other users.

The pre-school may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The pre-school will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Sharing of information

Information and sharing is essential to meet the needs of the children and families who attend.

Data may therefore be shared with and may be obtained from:

- Staff members /students /volunteers
- Schools
- Local settings
- External agencies such as Local Safeguarding Children's Board, local Authority etc

Security of Personal information

We will ensure that measures are taken to safeguard personal data. Each individual has a personal responsibility to ensure that any information of a personal or sensitive nature to which he/she has access in the course of his/ her work is protected from unauthorised access and disclosure.

In particular, individuals must observe the following rules:

- Electronic storage of such material should be password protected.
- If a copy is kept on a disc or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.
- Memory sticks, discs etc will be only used by authorised people and will be stored securely when not in use.
- Paper copies of personal data must be held in secure lockable cabinets.
- Information should be labelled as 'personal'.

- Individuals must not disclose personal information except to authorised colleagues.
- Particular care must be taken when exchanging information with third parties.
- Information must not be used for purposes other than that for which it was intended.
- If records are taken off site (e.g. on laptops or hard drives), appropriate security measures should be taken (e.g. laptops should never be left unattended in vehicles, and items should be stored securely off site.)
- All employees/ students/ volunteers/directors/committee members must sign a confidentiality agreement.
- Where paper based documents are removed from records these must be confidentially burnt.
- Particular care should be taken to delete information from computer hard drives if a machine is to be disposed of or passed on to another member of staff.
- All emails containing sensitive information and or children's personal details must be sent securely via egress.
- All bulk correspondents sent via email to parents/carers must be sent as a blind carbon copy (bcc).
- Personal data should not be retained for longer than necessary.

Duty to Disclose Information

There is a legal duty to disclose certain information, namely, information about:

Child abuse, which will be disclosed to social services, or

Drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.

Retention of Data

Yaxley & Mellis Pre-school has a duty to retain some staff and child related personal data for a period of time following their departure from the pre-school, mainly for legal reasons, but also for other purposes such as being able to provide references. Different categories of data will be retained for different periods of time.

Publication of Pre-School Information

Yaxley & Mellis Pre-school aims to make as much information public as is legally possible. In particular, information about the pre-school staff, directors and committee members will be used in the following circumstances:

- Pre-school may obtain, hold, process, use and disclose information in connection with the administration, management and business activities of the pre-school, including making and keeping lists of committee members and other relevant organisations.
- Names of and a means of contacting the pre-school, staff and/or directors may be published within newsletters, publicity leaflets and on the website.
- Photographs of key staff may be displayed in the pre-school lobby and placed on the website with their consent.
- The staff contact list will not be a public document and information such as mobile telephone numbers or home contact details will not be given out, unless prior agreement has been secured with the staff member in question.

Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Designated Data Controller.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the pre-school. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution. A statement about Data Protection and our Information Commissioner's Office (ICO) certificate will be displayed clearly on the premises of Yaxley & Mellis Pre-school.

DATA PROTECTION STATEMENT

Sharing information with others

Sometimes we have to confirm or share information with other organisations. If we need to do this, we will make it clear to you on the forms you complete giving us the information. We will draw up an agreement with the organisation that we need to share the information with as appropriate. This is so that both sides understand why the information is being passed on, and what use can be made of it. In some cases, a third party organisation, such as a funding body, may draw up the agreement.

Information quality

We will make sure that the information about you is accurate and up to date when we collect or use it. You can help us with this by keeping us informed of any changes to the information we hold about you.

Information security

We will keep information about you secure. We will protect your information against unauthorised change, damage, loss or theft.

Keeping information

We will hold information about you only for as long as the law says. After this, we will dispose of it securely and properly.

Openness

We will tell you what kinds of information we hold and what we do with it.

Access and correctness

Whenever possible, we will let you see the information we hold about you and correct it if it is wrong.

In general

We will comply with the Data Protection Act 1998 and any subsequent legislation on information handling and privacy. We will do this through Yaxley & Mellis Pre-School Data Protection Policy. We will help you with any questions or problems that you may have with the Data Protection Act 1998, the Human Rights Act 1998 or the Freedom of Information Act 2000. If we cannot help you, we will give you advice on where to write to get the information you may need.