



NORTH STAR NURSERY AND HOLIDAY CLUB
GENERAL DATA PROTECTION REGULATION 2018
STATEMENT - CLIENTS

1. Principles of the General Data Protection Regulation 2018 (GDPR)

Article 5 of the GDPR sets out the data protection principles and the main responsibilities for organisations. The GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is 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;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner 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.”

2. North Star Nursery Ltd. as a Data Controller

Under the terms of the General Data Protection Regulation 2018, North Star Nursery Ltd is defined as a ‘Data Controller’ and is responsible for exercising control over the processing of the information it holds about parents and children and for its protection.

3. Lawful Bases for Processing Data

Under the terms of the General Data Protection Regulation 2018, North Star Nursery Ltd is obliged to notify its clients what personal data is held on them as part of its contract of care and why this data is held. All clients are therefore asked to read and note the Privacy Notice referred to below in respect of the personal data held on them and their family members, in electronic and written (manual) filing systems.

North Star Nursery Ltd is an early years setting and we process the data we hold under the following conditions:

- By your consent
- Processing is necessary for the performance of our contract with you in order to offer appropriate care for your child
- Processing is necessary for compliance with a legal obligation.
- Processing is necessary to protect the interests of the children in our care.

These are the lawful bases under which we process your data as set out by the GDPR 2018.

The data held about children must only be used for specific purposes allowed by law. This statement sets out the types of data held by North Star Nursery Ltd, why data is held, and to whom it may be passed on.

4. What Information Do We Hold?

North Star Nursery Ltd holds information on children and their families in order to identify childcare needs and agree contracts and commencement dates.

Once children enter into North Star Nursery Ltd, we record their personal details such as address, date of birth, emergency contact details of parents and carers, family GP and Health Visitor and immunisation records.

In addition to this, we record attendance, characteristics such as ethnic group, home language, special educational needs and disabilities (SEND), relevant medical information and personal development. Where necessary we record child protection concerns, records of injury or concern and accident/incident records.

We will also keep information about your child's health for the purposes of compliance with our Health and Safety Policy and in relation to the administration of medication and management of insurance for extreme illnesses. In the event of an individual care plan being drawn up to address the health needs of a child in our care, information may be shared with health professionals with the parents'/carers' permission.

We may request the National Insurance number details of parents in order to make a claim for extra funding through the Early Years Pupil Premium Scheme in order to support children's development, learning and care. This information will then be forwarded to Swindon Borough Council in order that the request for funding can be processed.

Students on placement with us, or staff working towards a qualification may need to record specific data and utilise this in their assignments. Permission letters are issued, explaining how the data will be utilised and who will see it, including the safe disposal upon completion of the training.

We are required by OFSTED to keep a daily register of children who attend nursery together with a record of reasons for non-attendance.

5. How Is Your Information Stored?

Information is recorded manually in written format and electronically, including electronic data bases, documents and photographs. North Star Nursery's Technology Policy sets out how we maintain our electronic databases and the security systems in place to ensure confidentiality and data protection.

North Star Nursery Ltd. operates a software system, FirstSteps, which holds data on parents and children. For this purpose, FirstSteps are defined as a “Data Processor” who process information on behalf of North Star Nursery Ltd. about its clients. This means that FirstSteps hold, record, organise, retrieve, make available to and erase information on behalf of North Star Nursery Ltd. in order that North Star Nursery Ltd. can fulfil its contractual obligations with its clients.

6. Is Information About You or Your Child Shared With Anyone Else?

6.1. Shared Care

Where a child attends two or more early years settings, a shared care book is utilised which is couriered by the family between the settings.

6.2 Child Protection

In the event that concerns are raised about the welfare of a child in our care, we may share that child’s personal data with the Family Contact Point (MASH) at Swindon Borough Council. We would always seek the parents’/carers’ permission in the first instance, unless we believe that it would put the child at significant risk of harm to do so.

6.3 Developmental Information

From time to time, North Star Nursery may be required to disclose to relevant third parties (e.g. where legally obliged to do so by bodies such as the Inland Revenue, Ofsted, Environmental Health, the Local Authority), or where requested to do so by parents/carers (e.g. for the purpose of providing a referral for additional help such as Speech and Language assessments, Behaviour Support Team, Children’s Centres Family Support Workers.). We may also from time to time need to transfer information about you outside North Star Nursery and Holiday Club solely for purposes connected with the care of your child, such as a Community Dietician, Early Years Consultant, or the Early Years Funding Team within the LA.

With the exception of making a referral where we feel a child is at significant harm from child abuse, we seek parental permission on information we wish to share with other professionals. Parents/carers should ask if they are not clear about any of the information we hold.

From time to time North Star Nursery Ltd is required to pass on data to the local authority, the Department for Education, Ofqual and Ofsted (this list is not exhaustive). In particular, at age two years, each child receives a development check, where the findings are passed onto the Health Visitors’ Locality Team. Information regarding SEND, DLA and children with an EYPP will also be shared with the local authority. At five years, any children still attending day care at North Star Nursery Ltd will have an assessment under the guidelines set out in “Development Matters in the Early Years Foundation Stage”, produced by the Department for Education, and which is passed to the local authority.

The local authority uses information about children for whom it provides services, such as SEND provision. In addition, data creates statistics that inform decisions, but in a manner where individual children cannot be identified.

Ofqual uses information about assessments to compile statistics on trends and patterns in levels of development, the effectiveness of the national curriculum, the associated assessment arrangements, and to ensure that these are continually improved.

North Star Nursery Ltd. is a committee led not-for-profit organisation. From time to time, it may be necessary to share information with committee members regarding financial matters, complaints, child protection matters, incidents reportable under RIDDOR and any other matter that may require involvement at committee level. North Star Nursery Ltd. has in place a data sharing agreement with UKRI which sets out how any data that is shared with committee members will be stored, protected and destroyed after its use.

6.4 Early Years Funding

Personal information on children attending any early years' education setting, including North Star Nursery, will be held by Swindon Borough Council for the purposes of the administration of early years funding, including universal funding, extended hours and two year old funding, in compliance with the GDPR 2018. We are required to monitor attendance during funded sessions and in some circumstances we are obliged to report non-attendance to the local authority. We are obliged to have records available for audit.

6.5 Statistical Information

Ofsted do not routinely process any information about individual children, but do use information about the achievement of groups of children to inform its judgements about the quality of education in early years' settings.

The local authority uses information from the relatively few settings who complete the Foundation Stage Profile, for ensuring an efficient and effective assessment system covering all age ranges is delivered nationally.

The Department for Education uses information about children for research and statistical purposes, to allocate funds, to inform, influence and improve education policy and monitor performance of education and children's services. All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current government security policy framework. To find out more about the data collection requirements placed on us by the Department for Education go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

6.5.1 The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD). The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and

the Police please visit the following website: <https://www.gov.uk/government/publications/df-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>

6.6 Accident/Illness Reporting

In the event of a serious incident or accident involving a child at nursery, North Star Nursery is required to pass information to Ofsted and the Health and Safety Executive fulfilling our obligations under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013). This information will include a child's name and date of birth together with parents/carers' details and the nature of the incident.

In the event of an outbreak of notifiable illness, e.g. scarlet fever, mumps, food poisoning, we are required under our obligations to Public Health England to report details including names, dates of birth and addresses of those affected.

7. What Rights Do You and Your Child Have With Regard to the Information Held?

Children, as data subjects, have certain rights under the GDPR 2018, including a general right of access to personal data held on them, with parents exercising this right on their behalf. The GDPR also includes the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision-making including profiling.

If you wish to access personal data held about your child please speak to one of the senior team. Under the GDPR, North Star Nursery Ltd has a month to comply with your request. North Star Nursery Ltd can refuse or charge for requests that are manifestly unfounded or excessive. If a request is refused, North Star Nursery Ltd will explain the reasons why. You have the right to complain to the supervisory authority and to a judicial remedy.

If you think there is a problem with the way North Star Nursery Ltd is handling your data, you have a right to complain to the Information Commissioner's Office.

ICO

Tel: 0303 123 1113

8. Data Retention Periods

We hold your data and that of your children for the time periods set out in our Data Retention Schedule at Appendix 1. After this time, all information will be destroyed or deleted.

We are required to keep contact details for every child, up to three years after they leave the setting, then it is destroyed or deleted. Transition documents are shared with the next care/education provider with parents'/carers' agreement. All other paperwork is given to parents/carers. Any documents relating to child protection are delivered by hand to the next care/education setting.

Accident forms are retained for a period of 21 years in accordance with our insurance requirements and the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (SI 1995/3163) as amended and Limitation Act 1980.

REFERENCES

Preparing for the GDPR 2018 – ICO

This policy links to:	Health and Safety Policy Safeguarding Children and Child Protection Policy Special Educational Needs and Disabilities Policy Code of Conduct Security Policy Communication Policy Equality and Diversity Policy Privacy Notice Confidentiality Policy Technology Policy Staff Induction Staff Handbook Staff Training
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Policy Review History	
September 2013	v.1
October 2015	v.1.1
November 2015	v.2
March 2018	v.3

This policy will be reviewed in March 2020 unless a review of events, legislation or guidance from health professionals or Ofsted indicates that a review should take place sooner.

Signed **Dated**

Print **Nursery Manager**

Signed **Dated**

Print **Reviewing Committee Member**

APPENDIX 1

Document Retention Period

Document	Data Subject	Retention Period	Location
Accident Forms	Children, staff, visitors, parents	21+ years	Office Storage boxes Electronic
Central Registers	Children, staff, parents	21+ years	Office Storage boxes Electronic
Staff personnel files	Staff	6 years	Office Storage boxes Electronic
Accounts	Children (invoices), parents, staff (payroll)	6 years	Office Storage boxes Electronic
Risk Assessment Forms (inc. walks & outings)	Children, staff	6 years	Office (cupboard 2) Storage boxes Electronic
Monthly room registers	Children, parents	3 years	Office Storage boxes Electronic
Contracts	Children, parents	2 years after leave date	Office (cupboard 2) Electronic
Blue registration forms/contact cards	Children, parents, staff	3 years after leave date Staff (6 years)	Office (cupboard 1)
Room planning	Children	From date of last Ofsted inspection	Rooms Storage boxes
Kitchen checks / Food reheat forms	Children	From date of last annual inspection/ assessment	Kitchen folder
Garden checks	None	1 year	Office (cupboard 2)
Opening & closing checks	None	1 year	Rooms
Suncream charts	Children	1 year	Office
Staff/visitor signing in sheets	Visitors, staff	1 year	Corridor – in folder
Nappy charts	Children	6 months	Rooms
Fridge temperatures	None	6 months	Rooms
Room temperatures	None	6 months	Rooms
CCTV images	Children, parents, staff, visitors	5 days	Office - electronic

