**DATA COLLECTION POLICY (GENERAL DATA PROTECTION REGULATIONS 2018)**

**This policy should be read in conjunction with the: Confidentiality Policy, Home Working Policy, Disciplinary Procedure, Grievance Policy, Health, Safety and Welfare at Work, Code of Conduct for Parents/Carers, Staff Code of Conduct, Parent partnership Policy, Safeguarding Children Policy, Photography Policy, Whistle-blowing Policy and E-Policy. Also correlates with the EYFS April 2017 – sections: 2.5, 3.68, 3.69, 3.70, 3.71 all of which set out the frameworks for supporting Parents, carers, staff and children.**

To contact the Information Commissioners Office call: telephone 0303 123 1113

Patcham Village Pre-school collects and uses personal information about staff, children, parents and other individuals who come into contact with us. We gather and use this information under Article 6 of the General Data Protection Regulations 2018 to provide educational and other associated functions, and to safeguard the children in our care. Most personal information is obtained with the individual’s consent, but there may also be a legal requirement on us to collect and use information to ensure that we comply with our statutory obligations.

Our Data Controller and Data Protection Officer is Janet Hornsby.

**Purpose**

This policy is intended to ensure that personal information is dealt with correctly, securely and in accordance with the General Data Protection Regulations 2018 and other related legislation. It applies to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically. Some personal data is kept electronically on a password protected computer, and paper data is securely locked within cabinets either at Patcham Village Pre-school, or at the home of Patcham Village Pre-school’s Owner/Manager: Janet Hornsby, for retention and home-working purposes.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to this policy, and to those referred to above.

**What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

**Data Protection Principles**

The General Data Protection Regulations 2018 (GDPR) operate on the same principles as the Data Protection Act 1998, but with enhanced rights for individuals. The Data Protection Act principles that must be adhered to at all times are:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

**The enhanced rights for individuals given by the General Data Protection Regulations 2018 include those:**

* to be informed of data being collected;
* to access data which has been collected;
* to rectification of data;
* to erasure of data;
* to restrict processing;
* to data portability (in certain circumstances);
* to object;
* not to be subject to automated decision making including profiling.

**Our Commitments to You**

Patcham Village Pre-School is committed to working consistently within the General Data Protection Regulations. Therefore, we will:

* Inform you why information is being collected when it is collected;
* Seek your permission to obtain, use, retain and share information (when legally and/or appropriate to do so);
* Check the quality and the accuracy of the information we hold;
* Inform you how information is kept and in what format;
* Inform you how information is kept secure;
* Inform you how long information is retained for, and the reason for retaining it;
* Ensure that we do not retain information for longer than necessary;
* Inform you when and how your/your child’s information will be destroyed;
* Ensure that when obsolete information is destroyed that it is done so appropriately and securely;
* Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
* Share information with others only with parents’ permission, and/or when it is legally appropriate to do so;
* Share with you third-party information received about you or your child from other organisations, such as the Local Authority or a Health Care professional. Such information would only be retained or used by us if we had a lawful/educational reason for doing so, and would be retained only with your consent. The exception to this is information received which refers to safeguarding/child protection issues, which may be withheld.
* Provide you with access to the personal data we hold about you or your child (with exceptions) on written or verbal request, known as a Subject Access Request. We will provide this data free of charge unless deemed excessive. We will respond to your request within 30 days of you submitting the request, thereby complying with our GDPR duty; In line with GDPR we will record any such requests and the outcomes on our ‘Requests to right of access data record’
* Provide you with the means to withdraw your consent to our holding information about you or your child. This would not include information which must be legally retained by PVPS in accordance with our Data Collection Policy;
* Ensure that we have procedures in place to prevent data breaches;
* In the event of a data breach, ensure that it is investigated, recorded, rectified (where possible). A ‘Breach Response Plan’ will be completed by us and recorded on our ‘Register of Data Breaches’ preventing a repetition;
* Ensure our staff are aware of and understand our policies and procedures.

**Privacy Notice (How we hold and use personal data)**

For “at a glance” access to the personal information data we hold, use, retain, and (in certain cases) share about you and your child, please see **Appendix 1 – Privacy Notice/Data Collection Information Lists.** These lists detail the types of personal information we hold, how long we hold it, how we keep it secure, our lawful justification for holding it, who we might share it with, and how long that information is retained. Methods of destroying obsolete information are also detailed at the back of these lists**. Appendix 2 – Privacy Notice/Data Collection Information – Staff** is held in our policy folder and can be viewed on request.

**Withdrawing Consent / Requesting Deletion of Data**

You may wish to withhold or withdraw your consent to our holding personal data about you or your child, or you might wish to have data deleted. In either of these cases, please submit a request in writing to Janet Hornsby. While we will endeavour to comply with your request as far as possible, we have a legal obligation to hold certain data about you and your child while your child is a member of the Pre-school, and in certain situations, for some time afterwards (see Appendix 1 – Privacy Notice/Data Collection Information Lists). **Deletion of all data may mean having to withdraw your child from the Pre-school.**

**Data Breaches**

All personal information recorded on paper at Patcham Village Pre-school is kept in secure, locked filing cabinets until access to them is required. When in use, records are in the care of an authorised staff member and are not removed from the premises. They are locked away again when the staff member has finished with them. Certain information is required for operational or medical reasons daily; this information is held in a locked kitchen, accessible only by authorised staff. No personal data is held in, or can be seen from the main room, which is accessed by visitors.

Information and photographs held with parents’ permission on “Tapestry” (our electronic learning journals) are protected by using fictitious e-mails and passwords. When completing observations on a key-child, staff do not identify other children by name when referring to an activity undertaken by more than one child. Tapestry is hosted on secure, dedicated servers in Ireland. Photographs held on the HUDLs or Kindles prior to posting on Tapestry are deleted on a weekly basis. HUDLs and cameras are locked in secure cabinets at the end of a session. Staff are not permitted to take HUDLs, Kindles or cameras home.

Other personal information held on computer is password protected, and accessible only to the manager of the Pre-school.

When completing Tapestry observations at home (with parents’ permission), staff adhere strictly to our Home-Working and Confidentiality Policies.

Any confidential or sensitive conversations with parents or carers are carried out privately in a separate room, with two staff members present for safeguarding reasons.

No private photographs are taken by staff or visitors to the Pre-school. Staff do not have access to mobile phones except in special circumstances; they are then – with the manager’s or supervisor’s permission – allowed to keep them in the kitchen. Visitors are also required to leave their mobile phones in the kitchen.

All personal information, both paper and electronic are secured in locked cabinets at the end of a session. We follow a close-down procedure whereby one staff member has a tick-list, ensuring that all information is away, and all units are locked. The tick-list is then double-checked by the manager or supervisor.

If a data breach is detected, it should be reported to the Data Protection Officer (Janet Hornsby) or deputy (Turner). The breach will be investigated by interviewing relevant staff members and/or witnesses, and may result in disciplinary action being taken. Any deliberate data breach will result in disciplinary action. The breach will be rectified where possible, and action taken to prevent it re-occurring. A record will be made to log details of any breaches which occur, including how they occur, and what subsequent preventative measures are taken.

**How to Make a Subject Access Request**

A request for information can be made verbally or in writing when it will by logged by a member of staff so that it can be acknowledged and responded to.

Please request a proforma ‘GDPR – Request for Data’ from a member of staff for written requests.

Your identity must be established before the disclosure of any information, and checks may also be carried out regarding proof of your relationship to a child. **If you are not personally known to us,** evidence of identity can be established by production of:

* passport
* driving licence
* utility bills with the current address
* birth/ marriage certificate
* P45/P60
* credit card or mortgage statement

*This list is not exhaustive*.

 Anyone, including a child, has the right of access to personal information held about them. Such data belongs to that child, and not the child’s parents. However, as children at pre-school do not have the capacity to understand this, personal data will be given to parents/carers on written request.

No charge will be made for providing the information requested, unless deemed excessive.

All requests for access to data will be recorded by us.

The response time for Subject Access Requests will be within 30 days.

The data will be given in person only to the individual who made the request.

Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another setting. If we receive any information in this category, and need to retain it, we will share it with you on receipt. The exception to this is any information received referring to safeguarding/child protection issues, which may be withheld to protect the child.

Written information disclosed will be clear and concise. It can be provided at Pre-school with a member of staff on hand to help and explain matters if required. Any requests made regarding Tapestry information will be met via a meeting with your child’s key-person, who will demonstrate the information held.

In order to comply with our accountability principle, Patcham Village Pre-School will maintain a record of all information shared, including Subject Access Requests. This will ensure that if inaccurate information is subsequently found to have been shared, we can rectify it.

If your request for information is refused, you will be given a reason. Should this occur, you have the right to complain to the Information Commissioner’s Office (ICO) for a judicial remedy.

**Complaints**

If you are unhappy with the way we handle your personal information, or that of your child or a child in your care, any complaints will be dealt with in accordance with our complaints policy. You also have the right to refer complaints relating to information handling to the Information Commissioner’s Office (ICO) – Telephone: 0303 123 1113.

**Review**

This policy will be reviewed every six months or as is deemed appropriate.

**Contacts**

If you have any enquires in relation to this policy, please contact Janet Hornsby or Turner. Further advice and information is available from the Information Commissioner’s Office, www.ico.gov.uk or telephone 0303 123 1113

This policy was reviewed on 28th July 2020, and replaces that which was adopted by Patcham Village Pre-school on 5th July 2019

Signed by Janet Hornsby …………………………………………… (Manager)

**APPENDIX 1**

**CHILD**

**PRIVACY NOTICE / DATA COLLECTION INFORMATION LIST: CHILD**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **TYPE OF INFORMATION RELATING TO CHILD** | **FORMAT AND WHERE RETAINED** | **HOW IS IT KEPT SECURE?**  | **SHARED EXTERNALLY WITH? (\*\*\*see note)** | **JUSTIFICATION** | **PERIOD OF****RETENTION** |
| Child’s full name and date of birth | Paper; Child Records Book | Locked filing cabinet |  | EYFS/Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| Child’s proof of age(Number from birth certificate/passport/legal identification order required) | Paper; Child Records Book | Locked filing cabinet |  | EYFS/Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| Medical Information, including medicines or creams applied or to be applied, and names/dosages on prescribed medications | Paper; Medicines BookPaper; Health Care Plan (Child Records Book)Label on storage box where medications kept, and on individual medications | Locked filing cabinet “Box retained in kitchen for emergency use and ease of access during practice hours; Retained in locked cabinet outside hours | Medical professionals for emergency treatment | EYFS/OFSTED Requirement | After next Ofsted InspectionOrEnd of academic year |
|  Allergy Information | Paper; Child Records Book and on Register | Locked filing cabinet | Medical professionals for emergency treatment | Health and Safety requirements | After next Ofsted Inspection or until child leaves PVPS |
| Legal papers (access or guardianship documents) | Paper copies; Child Records Book | Locked filing cabinet |  | Safeguarding procedures | After next Ofsted inspection or until child leaves PVPS |
| Accident details of any non-reportable accidents | Paper; Accident Book | Locked filing cabinet |  | EYFS/Ofsted Requirement | After next Ofsted inspectionOrEnd of academic year |
| Records of any reportable death, injury, disease or dangerous occurrence | Paper; Accident Book | Locked filing cabinet | OfstedRIDDOR | RIDDOR Requirement (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (as amended))  | 21 years and 3 months after the date the record was made |
| Incident Details (includes medications or creams given at home, and accidents at home resulting in visible injury to child) | Paper; Home Incident Book | Locked filing cabinet |  | Health and Safety | After next Ofsted Inspection or end of academic year |
| Complaints Records | Paper; Complaints folder | Locked filing cabinet |  | EYFS / Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| Individual Support Plans (includes child’s name and date of birth) | Paper; Special Educational Needs Folder | Locked filing cabinet | Shared with school when child transfers | EYFS / Ofsted requirement | After next Ofsted Inspection or when child leaves PVPS |
| Permission forms: (part of registration process) sunscreen, photographs, medical details, GDPR, collection forms) | Paper; Child Records Book | Locked filing cabinet |  | EYFS/Ofsted requirement;Legal requirement – GDPR 2018 | After Next Ofsted Inspection or when child leaves PVPS |
| Early Years Pupil Premium (EYPP) forms | Paper; EYPP Folder | Locked filing cabinet | Brighton and Hove County Council (BHCC) | Ofsted RequirementLegal requirement | Six years from completion |
| Observation data (Tapestry) | Electronic; Tapestry Server (online) | Password protected for staff, parents, and authorised users |  | EYFS/Ofsted requirement; to inform parents/carers | After next Ofsted Inspection or when child leaves PVPS |
| Observation analysis taken from Tapestry | Paper; Tapestry Analysis folderElectronic (computer) | Locked filing cabinetComputer - Password protected |  | EYFS / Ofsted RequirementEducational and Planning purposes | After next Ofsted Inspection or end of academic year |
| Photographs of child | Electronic; HUDLsElectronic; camera/projector | Locked filing cabinet. Photos deleted weekly as transferred to Tapestry weeklyLocked filing cabinet. Photos deleted when child leaves setting |  | To support observations – EYFS/Ofsted requirement; to inform parents; to support children’s learning within setting | Parent/Carer retains Tapestry photos when child leaves PVPS; photos displayed within setting deleted when child leaves PVPS |
| Two Year Check | Electronic; Tapestry server (online)Paper; Two Year Check folder | Password protected for staff, parents and authorised usersLocked filing cabinet |  | EYFS/Ofsted requirement | After next Ofsted Inspection or when child leaves PVPS |
| Image Consent (Tapestry) | Paper; Child Records Book | Locked filing cabinet |  | Legal Requirement – GDPR 2018 | After next Ofsted Inspection or when child leaves PVPS |
| Daily Register | Paper; Registers Folder | Locked filing cabinet |  | EYFS / Ofsted RequirementRecommendation – Limitation Act 1980 | After next Ofsted InspectionUntil child reaches Age 24\*\* PVPS complies with the Limitation Act Recommendation |
| Fire Evacuation Drill Record | Paper; Fire Drill Book | Locked filing Cabinet |  | Health and Safety requirements | After next Ofsted Inspection or end of academic year |
| Key-Person list | Paper; Child Records Book |  |  | Operational purposes | After next Ofsted Inspection or when child leaves PVPS |
| “All About Me” forms | Paper; Child Records Book orElectronic (Tapestry) | Locked filing cabinetPassword protected |  | Operational and educational purposes | After next Ofsted Inspection or when child leaves PVPS |
| Safeguarding Records | Paper; Safeguarding Folder | Locked Filing Cabinet | Front Door for Families if advice neededand/orLocal Authority Designated Officer if allegation made against staff | EYFS / Ofsted RequirementRecommendation – Limitation Act 1980Local Safeguarding Children’s Board Requirement | After next Ofsted InspectionUntil child reaches Age 24\*\* PVPS complies with the Limitation Act Recommendation, and the LSCB Requirement |
| Child Protection Records | Paper; Safeguarding Folder | Locked Filing Cabinet | Front Door for Families if advice neededand/or Local Authority Designated Officer if allegations made against staff | EYFS /Ofsted RequirementRecommendation-Limitation Act 1980Local Safeguarding Children’s Board Requirement | After next Ofsted InspectionUntil child reaches Age 24\*\*PVPS complies with the Limitation Act Recommendation, and the LSCB Requirement |
| Fee Spread Sheets | Paper; Fees folderElectronic; Computer | Locked filing cabinetComputer password protected |  | Legal Requirement | Six years |
| Invoices | Paper | Given to parent |  | BHCC Requirement | Given to parent |
| EYFS Funding Certificates | Paper; EYFS Funding FolderElectronic; Computer | Locked filing cabinetComputer password protected | BHCC  | HMRC Legal Requirement | Six years |
| Additional Support Assistant Invoice form | Paper; Special Educational Needs Folder.Computer | Locked filing cabinetIf sent via email child’s initials only are inserted. | Jeanne Saunders Centre | BHCC requirement | Six years  |

**Notes**

**Deletion of records: All paper records will be deleted by Patcham Village Pre-school at the appropriate times by cross-shredding.**

**All electronic records will be deleted from relevant sites at appropriate times by the manager.**

**\*\*\* Personal data may be shared with the relevant bodies as required by law, for example, in order to report safeguarding concerns, in response to a request by law enforcement agencies or HMRC, and for Ofsted Inspections. These could apply to all types of data so are not itemised separately in the “Shared Externally With” column.**

**APPENDIX 1**

**PARENT/CARER**

**PRIVACY NOTICE /DATA COLLECTION INFORMATION LIST: PARENT / CARER**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **TYPE OF INFORMATION RELATING TO PARENT/CARER** | **FORMAT AND WHERE RETAINED** | **HOW IS IT KEPT SECURE?**  | **SHARED EXTERNALLY WITH? (\*\*\*see note)** | **JUSTIFICATION** | **PERIOD OF****RETENTION** |
| Name, address and contact details of parent/s or person with parental responsibility | Paper; Child Records Book | Locked filing cabinet |  | EYFS/Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| Name and contact details of emergency contacts | Paper; Child Records Book | Locked filing cabinet |  | EYFS/Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| “Authority to collect” form | Paper; Child Records Book | Locked filing cabinet |  | Safeguarding purposesEYFS/Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| Payment records | Electronic (Computer) | Computer password protected | Accountant | Legal Requirement | Six years from date of payment? From end of tax year in which payments were made. |
| Parent/Carer’s NI number | Paper andElectronic | Locked filing cabinetComputer password protected | BHCCEligibility Checking Service (ECS) | EYFS/Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| EYFS Funding Certificates | **Paper** |  Locked filing cabinet | BHCC | EYFS / Ofsted Requirement. DFE requirement. |  Six years after tax year to which they apply |
| Eligibility Code Checker (30 hours) | Electronic | BHCC secure portalHeader of child’s registration form | ECS | EYFS/Ofsted requirement | After next Ofsted Inspection or when child leaves PVPS |
| Fee Spreadsheets | Paper; Fees folderElectronic(Computer) | Locked filing cabinetComputer password protected |  | Legal HMRC requirement | Six years after the tax year to which they apply |
| Administration of Medicines  | Paper; Administration of Medicines Book | Locked filing cabinet | Medical professionals during emergency treatment of child | EYFS /Ofsted Requirement | After next Ofsted InspectionOrEnd of academic year |
| Incident Details (includes medications or creams given at home, and accidents at home resulting in visible injury to child) | Paper; Home Incident Book | Locked filing cabinet |  | Health and Safety | After next Ofsted Inspection OrEnd of academic year |
| Complaints Records | Paper; Complaints folder | Locked filing cabinet |  | EYFS / Ofsted Requirement | After next Ofsted Inspection or when child leaves PVPS |
| Individual Support Plans (includes child’s name and date of birth) | Paper; Special Educational Needs Folder | Locked filing cabinet |  | EYFS / Ofsted requirement | After next Ofsted Inspection or when child leaves PVPS |
| Permission forms: (part of registration process) sunscreen, photographs, medical details, GDPR | Paper; Child Records Book | Locked filing cabinet |  | EYFS/Ofsted RequirementLegal requirement – GDPR 2018 | After Next Ofsted Inspection or when child leaves PVPS |
| E-mail address | Paper; Child Records BookElectronic (Tapestry ) | Locked filing cabinetPassword protected |  | Operational purposes;To share Learning Journals | After next Ofsted Inspection or when child leaves PVPS |
| Two Year Check | Electronic; Tapestry server (online)Paper; Two Year Check folder | Password protected for staff, parents and authorised usersLocked filing cabinet |  | EYFS/Ofsted requirement | After next Ofsted Inspection or when child leaves PVPS |
| Visitor’s Book | Paper; Visitor’s Book | Locked filing cabinet |  | EYFS /Ofsted requirement | Until end of Visitor’s book life |
| Fire Evacuation Emergency Contact List | Paper; Register | Locked filing cabinet |  | EYFS / Ofsted RequirementSafeguarding and Health and Safety reasons | After next Ofsted Inspection or when child leaves PVPS |
| Safeguarding Records | Paper; Safeguarding Folder | Locked Filing Cabinet | Front Door for Families if advice neededand/orLocal Authority Designated Officer if allegation made against staff | EYFS / Ofsted RequirementRecommendation – Limitation Act 1980Local Safeguarding Children’s Board Requirement | After next Ofsted InspectionorUntil child reaches Age 24\*\* PVPS complies with the Limitation Act Recommendation, and the LSCB Requirement |
| Child Protection Records | Paper; Safeguarding Folder | Locked Filing Cabinet | Front Door for Families if advice neededand/orLocal Authority Designated Officer if allegation made against staff | EYFS /Ofsted RequirementRecommendation-Limitation Act 1980Local Safeguarding Children’s Board Requirement | After next Ofsted InspectionOr Until child reaches Age 24\*\*PVPS complies with the Limitation Act Recommendation, and the LSCB Requirement |

**Note**

**Deletion of records: All paper records will be deleted by Patcham Village Pre-school at the appropriate times by cross-shredding.**

**All electronic records will be deleted from relevant sites at appropriate times by the manager.**

**\*\*\* Personal data may be shared with the relevant bodies as required by law, for example, in order to report safeguarding concerns, on response to a request by law enforcement agencies or HMRC, and for Ofsted inspections. These could apply to all types of data so are not itemised separately in the “Shared Externally With” column.**