**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, Public Disclosure 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.**

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; deputy Data Protection Officer is Pat Turner.

**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.

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 request, known as a Subject Access Request. We will provide this data free of charge, and within 30 days of you submitting the request, thereby complying with our GDPR duty;
* 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, rectified and repetition prevented;
* 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 3 – 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 or Pat Turner. 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, the 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 the UK. Photographs held on the HUDLs 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 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 (Pat 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 must be made in writing and handed to a member of staff so that it can be acknowledged and logged.

Please download and use the proforma at **Appendix 2** or ask a member of staff to provide you with a copy.

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.

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**.**

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).

**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 Pat Turner.

Further advice and information is available from the Information Commissioner’s Office, www.ico.gov.uk or telephone 0303 123 1113

Signed by Janet Hornsby ……………………………………………

(Manager)

Date adopted: 25.5.2018

Next review: 25.11.2018