



Data Protection, Record Keeping and GDPR Policy

The Data Protection Act 1998 protects employees against the misuse of personal data and may cover both manual and electronic records. All records held on computer fall within the Data Protection Act. Certain manual files may also fall within the Act, depending on the ease of access to data within the file. However, for consistency and good practice, the pre-school will adopt the same approach for data held. The Act requires that any personal data held should be:

- processed fairly and lawfully;
- obtained and processed only for specified and lawful purposes;
- adequate, relevant and not excessive;
- accurate and kept up to date;
- held securely and for no longer than is necessary; and
- not transferred to a country outside the European Economic Area unless there is an adequate level of data protection in that country. The Act also gives employees certain rights. For employment purposes, the most important right is the right to access the personal data held about the employee.

Rainbow's End Pre-School understands the importance of keeping all confidential information and records about staff, parents/carers, children, volunteers, students and visiting practitioners in a safe and secure place. The information is only accessible and available to those who have a right or professional need to see them for example Ofsted. Rainbow's End Pre-School will never give out or sell personal information to a third party, unless it is relating to a safeguarding concern, if it is a requirement by the government or law enforcement agency, or when prior permission has been given.

Louise Howard is the named registered Data Controller with the ICO. Louise Howard is the Data Protection Officer for the setting and has completed a GDPR workshop, March 2018. It is the responsibility of the Data Protection Officer to ensure the setting meets the requirements of the GDPR, 2018 and to liaise with statutory bodies when necessary and to respond to access requests. The Data Protection Officer also updates staff, students, volunteers and visitors of any changes to the Data Protection regulations and confidentiality breaches through staff meetings, verbally and by email. During Staff Supervision meetings, staff are reminded of the Pre-School confidentiality policy.

Purposes for which Personal Data may be Held Personal data relating to employees may be collected primarily for the purposes of:

- recruitment, promotion, training, redeployment and/or career development;
- administration and payment of wages;
- calculation of certain benefits including pensions;
- disciplinary or performance management purposes;
- performance review;
- recording of communication with employees and their representatives;
- compliance with legislation;
- provision of references to financial institutions, to facilitate entry onto educational courses and/or to assist future potential employers; and
- staffing levels and career planning.
- The Pre-School considers that the following personal data falls within the categories set out above:
 - personal details including name, address, age, status and qualifications. Where specific monitoring systems are in place, ethnic origin and nationality will also be deemed as relevant;
 - references and CVs;
 - emergency contact details;
 - notes on discussions between management and the employee;

- appraisals and documents relating to grievance, discipline, promotion, demotion or termination of employment;
- training records;
- salary, benefits and bank/building society details; and
- absence and sickness information.

Employees or potential employees will be advised by the pre-school of the personal data which has been obtained or retained, its source, and the purposes for which the personal data may be used or to whom it will be disclosed. The pre-school will review the nature of the information being collected and held on an annual basis to ensure there is a sound business reason for requiring the information to be retained.

Sensitive Personal Data Sensitive personal data includes information relating to the following matters:

- the employee's racial or ethnic origin;
- his or her political opinions;
- his or her religious or similar beliefs;
- his or her trade union membership;
- his or her physical or mental health or condition;
- his or her sex life; or
- the commission or alleged commission of any offence by the employee. To hold sensitive personal data, the pre-school must additionally satisfy a sensitive data condition. The most appropriate condition for employment purposes is that the processing is necessary to enable the pre-school to meet its legal obligations (for example, to ensure health and safety or to avoid unlawful discrimination).

Responsibility for the Processing of Personal Data

The Chair will be responsible for ensuring all personal data is controlled in compliance with the Data Protection Act 1998. Staff who have access to personal data must comply with this Policy and adhere to the procedures outlined below. Failure to comply with the Policy and procedures may result in disciplinary action up to and including summary dismissal.

Use of Personal Data

To ensure compliance with the Data Protection Act 1998 and in the interests of privacy, employee confidence and good employee relations, the disclosure and use of information held by the Pre-School is governed by the following conditions:

- personal data must only be used for one or more of the purposes specified in this Policy;
- Pre-School documents may only be used in accordance with the statement within each document stating its intended use; and
- provided that the identification of individual employees is not disclosed, aggregate or statistical information may be used to respond to any legitimate internal or external requests for data (e.g., surveys, staffing level figures); and
- personal data must not be disclosed, either within or outside the Pre-School, to any unauthorised recipient.

Personal Data Held for Equal Opportunities Monitoring Purposes

Where personal data obtained about candidates is to be held for the purpose of equal opportunities monitoring, all such data must be made anonymous.

Disclosure of Personal Data

Personal data may only be disclosed outside the Pre-School with the employee's written consent, where disclosure is required by law or where there is immediate danger to the employee's health.

Accuracy of Personal Data

The pre-school will review personal data regularly to ensure that it is accurate, relevant and up to date. In order to ensure the pre-school's files are accurate and up to date, and so that the pre-school is able to contact the employee or, in the case of an emergency, another designated person, employees must notify the pre-school as soon as possible of any change in their personal details (e.g., change of name, address; telephone number; loss of driving licence where

relevant; next of kin details, etc). Once updated, these records will be stored in the employee's personnel file. They will be checked during annual reviews and appraisals.

Access to Personal Data

Staff have the right to access personal data held about them. The pre-school will arrange for the employee to see or hear all personal data held about them within 40 days of receipt of a written request.

Access to Medical Reports

From time to time it may be necessary for the pre-school to obtain a medical report from an employee's doctor in order to gather further information about the employee's medical condition and its probable effect on the employee's future attendance at work or the ability to do his or her job.

Employees have certain rights under the Access to Medical Reports Act 1988. Should the pre-school find it necessary to obtain a medical report concerning an employee's fitness for work or any other relevant matter the employee will be asked for his or her written consent. At the time of the request for consent the employee will be advised of his or her rights under the Act.

Rainbow's End Pre-School is aware of the responsibilities under the GDPR and where relevant the Freedom of Information Act 2000 and the Early Years Foundation Stage Statutory Framework, 2023 (EYFS). Rainbow's End Pre-School understands that if there is a data breach, it is the responsibility of the settings Data Protection Officer to report this within 72 hours to the ICO and to also carry out an internal investigation.

Rainbow's End Pre-School is signed up to the Surrey Multi-Agency Information Sharing Protocol (MAISP) and understands their responsibilities under the protocol. During the Induction procedure for staff, parents/carers, students, volunteers and visitors they are made aware that Rainbow's End Pre-School communicates information, updates and reminders by email. It is explained that all emails are BCC and only the Management team are able to send/receive emails from the Rainbow's End gmail account.

Rainbow's End Pre-School is signed up to Egress, which ensures when sending emails containing confidential information this is carried out securely.

Permission to hold contact details and information and permission to communicate by email is asked for from staff, parents/carers, and students, volunteers during the Induction procedures. Parents/carers and staff, volunteers, students are asked to read and sign a Privacy Notice. The Privacy Notice clearly explains how information is used, stored and shared.

Information and records relating to children and all adults are stored in the Office and the Office is locked at night, at weekends and during school holidays. The Management team are key holders for the Office. Parents/carers, staff, volunteers, students and visitors are made aware of this procedure during the Induction procedure and through the Privacy Notice.

Rainbow's End Pre-School may share parent/carer, staff, volunteer, students, visitors and children's personal information with other organisations if it is relating to a safeguarding concern, Early Years funding, if it is a requirement by the government or law enforcement agency or when prior permission has been given for example, for Special Educational Needs and Disability (SEND), when communicating with a child's shared setting or checking a staff members job reference.

Policy Review

As part of Rainbows End Pre-School monitoring of child protection and safeguarding this policy will be subject to periodic review.

Policy adopted by: Rainbow's End Pre-School
Date: 01.01.2024
Policy Review Date: 31.12.2024 (or sooner if required)