



## **GENERAL DATA PROTECTION REGULATION POLICY**

### **Statement**

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & lawfully' and 'collected for specified, explicit and legitimate purposes' and that individuals data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Abacus Nursery Morecambe Limited is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Abacus Nursery Morecambe Limited is registered with the ICO (Information Commissioners Office) under registration reference: ZA109728 and has been registered since 10<sup>th</sup> April 2015.

### **GDPR includes 7 rights for individuals**

#### **1) The right to be informed**

Abacus Nursery Morecambe Limited is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's' full names, addresses, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Lancashire County Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to our nursery. We need to know visitors' names, and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Abacus Nursery Morecambe Limited is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to M G Care Executive Ltd t/a uCheck for the processing of DBS checks.

#### **2) The right of access**

Abacus Nursery Morecambe Limited is a company registered in England & Wales. Registration No: 09149311. Registered Office: 24 The Cliffs, Morecambe, LA3 1NY.

At any point an individual can make a request relating to their data and Abacus Nursery Morecambe Limited will provide a response (within 1 month). Abacus Nursery Morecambe Limited can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision.

### 3) The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, Abacus Nursery Morecambe Limited has a legal duty to keep children's and parents details for a reasonable time, Abacus Nursery Morecambe Limited retain these records for 3 years after leaving nursery, children's accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the member of leaves employment, before they can be erased. This data is archived securely offsite and shredded after the legal retention period.

### 4) The right to restrict processing

Parents, visitors and staff can object to Abacus Nursery Morecambe Limited processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

### 5) The right to data portability

Abacus Nursery Morecambe Limited requires data to be transferred from one IT system to another; such as from Abacus Nursery Morecambe Limited to the Local Authority. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

### 6) The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

### 7) The right not to be subject to automated decision-making including profiling

Automated decisions and profiling are used for marketing-based organisations. Abacus Nursery Morecambe Limited does not use personal data for such purposes.

## **Storage and use of personal information**

Paper copies of children's and staff records are kept in a locked cupboard in Abacus Day Nursery. Records which are not required at the Nursery are kept secure at the company's registered office.

Some information is stored electronically on computers. These computers are password protected and only accessible to certain members of staff and directors.

Members of staff can have access to the files kept at nursery, but information taken from the files about individual children is confidential. When records are no longer required at Nursery they are archived, securely, at the company's registered office and shredded after the retention period.

Information about individual children is used in certain documents, such as, a weekly register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period.

Abacus Nursery Morecambe Limited collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend or added to the child's file and stored appropriately.

Information regarding families' involvement with other agencies is stored both electronically and in paper format. These records are shredded after the relevant retention period.

Upon a child leaving Abacus Day Nursery and moving on to school or moving settings, data held on the child may be shared with the receiving school or new setting. Such information will normally be hand delivered, posted via Royal Mail or the parent/carer will be given the data to deliver to the receiving school or setting.

Abacus Nursery Morecambe Limited stores personal data held visually in photographs or video clips or as sound recordings. No names are stored with images in photo albums, displays and no images of children are posted on the website or on Abacus Day Nursery's social media sites.

Access to all computers on which personal data is kept, is password protected.

## **GDPR means that Abacus Nursery Morecambe Limited must;**

**\* Manage and process personal data properly**

**\* Protect the individual's rights to privacy**

**\* Provide an individual with access to all personal information held on them**

## Retention periods for records

<b>Children's records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Children's records - including registers, medication record books and accident record books pertaining to the children	A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980. Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
<b>Personnel records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
DBS check	6 months	Recommendation	DBS Code of Practice. The following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken

Pay			
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982
Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development
Health and Safety			
Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development

<b>Financial records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Accounting records	3 years from the end of the financial year for private companies, 6 years for public limited companies	Requirement	Companies Act 2006
<b>Administration records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive
Minutes/minute books	10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	Permanently	Recommendation	Chartered Institute of Personnel and Development