



# **General Data Protection Regulation policy**

## **EYFS Key themes and Commitments**

The General Data Protection Regulation (GDPR) 2018 is designed to protect the privacy of individuals. It requires any personal information about an individual is processed securely and confidentially. This includes both management, educators and children. How the Pre School obtains, shares and uses information is critical, as personal data is sensitive and private. Everyone, adults and children alike, has the right to know how their information is used. The General Data Protection Regulation requires the Pre School to strike the right balance in processing personal information so that an individual's privacy is protected. Applying the principles to all information held by the Pre School will typically achieve this balance and help to comply with the legislation.

We will respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. There are record keeping systems in place that meet legal requirements along with means of storing and sharing that information take place within the framework of the General Data protection Regulation and the Human Right Act.

## **General Data Protection Regulation principles**

To comply with the act, the Pre-School must observe the eight 'General Data Protection Regulation principles' ensuring that:

- Personal data shall be processed fairly and lawfully.
- Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act.

- Appropriate technical and organisational measures shall be taken against unauthorised or lawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

In practice, it means that the Pre School must:

- have legitimate grounds for collecting and using the personal data.
- not use the data in ways that have unjustified adverse effects on the individuals concerned.
- be transparent about how they intend to use the data and give individuals appropriate privacy notices when collecting their personal data.
- handle people's personal data only in ways they would reasonably expect; and
- make sure they do not do anything unlawful with the data.

Personal data is information that relates to an identifiable living individual that is processed as data. Processing amounts to collecting, using, disclosing, retaining or disposing of information. The General Data Protection Regulation principles apply to all information held electronically or in structured paper files.

The principles also extend to educational records – the names of educators and children, dates of birth, addresses, national insurance numbers, school marks, medical information, SEN assessments and educator development reviews.

Special category data is information that relates to

- race and ethnicity
- political opinions
- religious beliefs
- membership of trade unions
- physical and mental health
- sexuality
- criminal offences

Special category data is given greater legal protection as individuals would expect certain information to be treated as private or confidential – for example, a Pre School-Director/Manager may have a Pre School email account that is made publicly available on the school's website whereas their home email account is private and confidential and should only be available to those to whom consent has been granted.

It is important to differentiate between personal information that individuals would expect to be treated as private or confidential (whether or not legally classified as special category data) and personal information you can make freely available. For example, the Pre-School Deputy Manager's identity is personal information, but everyone would expect it to be publicly available. However, the Pre-School Deputy Manager's home phone number would usually be regarded as private information.

**What must the Pre-School do?**

- We must notify the ICO (Information Commissioner's Office) that we are processing personal data.
- We have a nominated individual, the Pre-School Director/Manager, Clare, as the 'Data Protection Controller'.
- The Pre-School has clear, practical policies and procedures on information governance for educators to follow and needs to monitor their operation. These should include:
  - Educator code of conduct
  - Privacy notices for Educators and parents/children

**Data Breaches** - in the event of a personal data breach, the Data Protection Controller should be notified immediately, and an investigation carried out. The ICO should be contacted within 72 hours, where feasible.

### **Individual Rights**

The General Data Protection Regulation includes the following rights for individuals:

- the right to be informed.
- the right of access
- the right to rectification
- the right to erase passwords.
- the right to restrict processing.
- the right to data portability
- the right to object and
- the right not to be subject to automated decision- making including profiling.

The General Data Protection Regulation entitles an individual the right to request the personal information a Pre-School holds on their behalf – this is known as a Subject Access Request (SAR) and included all and any information held by the Pre-School, not just that information held on central files or electronically, so it could also include correspondence or notes held by others in the Pre-School.

- SARs must be responded to within 1 month of receipt.
- The SAR should be made in writing by the individual making the request.
- the Pre-School can refuse or charge for requests that are manifestly unfounded or excessive.
- Parents can make SARs on behalf of their children if the children are deemed to be too young or they have consented to their parents doing on their behalf.

### **Educator Responsibilities**

Educators need to know and understand:

- How to manage, keep and dispose of data
- The Pre-School's procedures in relation to children's records, email, social media, taking photos in the Pre-School, mobile technology and the Pre-School website.
- When they are allowed to share information with others and how to make sure it is kept secure when shared

## **Information and IT Equipment Acceptable Usage**

Acceptable Usage covers the security and use of all Bottesford Bunnies Pre-School information and IT equipment. It also included the use of email and internet. This applies to all Bottesford Bunnies Pre-School employees, contractors and agents (hereafter referred to as 'individuals')

This applies to all information, in whatever form, relating to Bottesford Bunnies Pre-School business activities, and to all information handled by Bottesford Bunnies Pre-School relating to other organisations with whom it deals. It also applies to all IT and information communications facilities operated by Bottesford Bunnies Pre-School or on its behalf.

Bottesford Bunnies Pre School completes online learning journeys. Each parent will be emailed a link to access their child's portfolio, they may also be linked to relatives' children, if an email address is held. Educators will be able to access their own key children and others. Educators do access the site in their own home, outside of work, however when tablets are taken off-site, they must not be left unattended in public places and not left in sight in a car and passwords are in place for security. Clare Williams (Director/Manager) has access to all passwords. Parents can access the site and add observations, make comments and upload photos, they will also receive a notification every time their child's portfolio has been updated by an Educator, if set up to do so.

Parents will only be able to access their own child's details and when a child leaves the setting, their portfolio can be printed off and with parental permission, passed onto their new setting or school (if necessary). Parents will be given digital access to the portfolio, when the child leaves Bunnies. The child's details will then be archived on the secure site. Parents also must give permission for their child's photo to be on other children's learning journeys.

For computer security, we will ensure that a firewall and virus checking system is installed onto all tablets and educators will not share passwords when accessing the site.

I Connect Privacy Policy – Personal information is kept private and stored securely until a time it is no longer required or has no use, in accordance with GDPR. I Connect has confirmed that any sub-processors they are using to host data meet GDPR and have a relevant sub-processor agreement in place. I Connect takes data protection and security very seriously and data will only be available to educators who need access to it.

## **Computer Access Control – Individual's Responsibility**

Access to the Bottesford Bunnies Pre-School IT systems is controlled by the use of User IDs and passwords. All User IDs and passwords are to be uniquely assigned to named individuals and consequently, individuals are accountable for all actions on the Bottesford Bunnies Pre-School IT systems (Educators dependant on their job role have different accessibility on Connect)

### **Individuals must not:**

- Allow anyone else to use their user ID and password on any Bottesford Bunnies IT system.
- Leave their user accounts logged in at an unattended and unlocked computer.

- Use someone else's user ID and password to access Bottesford Bunnies Pre-School IT systems.
- Leave their password unprotected (for example writing it down)
- Perform any unauthorised changes to Bottesford Bunnies IT systems or information.
- Attempt to access data that they are not authorised to use or access.
- Exceed the limits of their authorisation or specific business need to interrogate the system or data.
- Connect any non Bottesford Bunnies Pre-School authorised device to the Bottesford Bunnies network to IT systems.
- Store Bottesford Bunnies data on any non-authorised Bottesford Bunnies Pre-School equipment
- Give or transfer Bottesford Bunnies Pre-School data or software to any person or organisation outside Bottesford Bunnies Pre-School without the authority of Bottesford Bunnies Pre-School.

The Pre-School Director/Manager must ensure that individuals are given clear direction on the extent and limits of their authority with regard to IT systems and data.

### **Internet and email Conditions of Use**

Use of Bottesford Bunnies Pre-School internet and email is intended for business use. Personal use is permitted where such use does not affect the individual's business performance, is not detrimental to Bottesford Bunnies Pre-School in any way, not in breach of any term and condition of employment and does not place the individual or Bottesford Bunnies Pre-School in breach of statutory or other legal obligations.

All individuals are accountable for their actions on the internet and email systems.

#### **Individuals must not:**

- Use the internet or email for the purposes of harassment or abuse.
- Use profanity, obscenities, or derogatory remarks in communications.
- Access, download, send or receive any data (including images) which Bottesford Bunnies Pre-School considers offensive in any way, including sexually explicit, discriminatory, defamatory or libellous material.
- Use the internet or email to make personal gains or conduct a personal business.
- Use the internet or email to gamble.
- Use the email systems in a way that could affect its reliability or effectiveness, for example distributing chain letters or spam.
- Place any information on the Internet that relates to Bottesford Bunnies Pre School alter any information about it, or express any opinion about Bottesford Bunnies Pre-School, unless they are specifically authorised to do this.
- Send unprotected sensitive or confidential information externally.

- Make official commitments through the internet or email on behalf of Bottesford Bunnies Pre School unless authorised to do so.
- Download copyrighted material such as music media (MP3) files, films and video files (not an exhaustive list) without appropriate approval.
- In any way infringe any copyright, database rights, trademarks or other intellectual property.
- Download any software from the internet without prior approval of the Director/Manager, Clare.
- Connect Bottesford Bunnies Pre-School devices to the internet using non-standard connections.

### **Clear Desk and Clear Screen Policy**

In order to reduce the risk of unauthorised access or loss of information, Bottesford Bunnies Pre-School enforces a clear desk and screen policy as follows:

- Personal or confidential business information must be protected using security features provided for example secure print on printers.
- Computers must be logged off/locked or protected with a screen locking mechanism controlled by a password when unattended.
- Care must be taken to not leave confidential material on printers or photocopiers.
- All business-related printed matter must be disposed of using a shredder.

### **Working Off Site**

It is accepted that tablets, management laptops and mobiles devices will be taken off site. The following controls must be applied:

- Working away from the office must be in line with Bottesford Bunnies Safeguarding policy (lone working)
- Equipment and media taken off-site must not be left unattended in public places and not left in sight in a car.
- Management laptops must be carried as hand luggage when travelling.
- Information should be protected against loss or compromise when working remotely (for example at home or in public places) Laptop encryption must be used.
- Particular care should be taken with the use of mobile devices such as laptops, mobile phones, smartphones and tablets. They must be protected at least by a password or a PIN and where available, encryption.

### **Virtual Assistant**

Bunnies has a virtual assistant (Alexa) which is used to play music, when required. At the end of the day Alexa is switched off. The Director/Manager (Clare) has the account for this and checks the usage periodically.

## **Mobile Storage Devices**

Mobile devices such as memory sticks and removable hard drives must not be used only in situations when network connectivity is unavailable or there is no secure method of transferring data. Only Bottesford Bunnies Pre-School authorised mobile storage devices with encryption enabled must be used, when transferring sensitive or confidential data.

## **Software**

Employees must use only software that is authorised by Bottesford Bunnies Pre-School on Bottesford Bunnies Pre-School computers. Authorised software must be used in accordance with the software supplier's licencing agreements. All software on Bottesford Bunnies Pre-School computers must be approved and installed by the Director/Manager, Clare of Bottesford Bunnies Pre-School.

### **Individuals must not:**

- Store personal files such as music, video, photographs or games on Bottesford Bunnies IT equipment

## **Viruses**

All PCs have antivirus software installed to detect and remove any virus. automatically.

### **Individuals must not:**

- Remove or disable anti-virus software.
- Attempt to remove virus-infected files or clean up an infection, other than by the use of approved Bottesford Bunnies Pre-School anti-virus software and procedures.

## **Telephony (Voice) Equipment Conditions of Use**

Use of Bottesford Bunnies Pre-School voice equipment is intended for business use. Individuals must not use Bottesford Bunnies Pre-School voice facilities for sending or receiving private communications on personal matters, except in exceptional circumstances. All non – urgent personal communications should be made at an individual's own expense using alternative means of communications.

### **Individuals must not**

- Use Bottesford Bunnies voice equipment for conducting private business.
- Make hoax or threatening calls to internal or external destinations.
- Accept reverse charge calls from domestic or international operators, unless it is for business use.

## **Actions upon Termination of Contract**

All Bottesford Bunnies Pre School equipment and data, for example laptops and mobile devices including telephones, smartphones, USB memory devices, CDs/DVDs

and tablets must be returned to Bottesford Bunnies Pre School at termination of contract.

All Bottesford Bunnies Pre School data or intellectual property developed or gained during the period of employment remains the property of Bottesford Bunnies Pre-School and must not be retained beyond termination or reused for any other purpose.

### **Monitoring and Filtering**

All data that is created and stored on Bottesford Bunnies Pre School computers is the property of Bottesford Bunnies Pre School and there is no official provision for individual data privacy.

IT system logging will take place where appropriate, and investigations will be commenced where reasonable suspicion exists of a breach of this or any policy. Bottesford Bunnies Pre School has the right (under certain conditions) to monitor activity on its systems, including internet and email use, in order to ensure systems security and effective operation, and to protect against misuse.

Any monitoring will be carried out in accordance with audited, controlled internal processes, the General Data Protection Regulation 2018, the Regulation of Investigatory Powers Act 2000 and the Telecommunications (lawful Business Practice Interception of Communications) Regulations 2000.

**It is your responsibility to report suspected breaches of security without delay to the Pre School-Director/Manager, Clare.**

**All breaches of information security will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with Bottesford Bunnies Pre School disciplinary procedures.**

### **Access to Educator personal data**

- Educators are allowed to have access to all personal data about them held on manual or computer records under the Data protection Act (1998) The Act requires the organisation to action requests for access to personal data within one month.
- Should an educator request access to their personal data, the request must be addressed in writing to the Director/Manager, Clare. The request will be judged in the light of the nature of the personal data and the frequency with which they are updated. The educator will be informed whether or not the request is to be granted. If it is, the information will be provided within one month of the date of the request.
- In the event of the disagreement between an educator and the Director/Manager, Clare regarding personal data, the matter should be taken up under the Pre Schools grievance procedure.
- The right of employees to see information held about them is extended to information held in paper record-keeping systems as well as computerised systems.
- There are some exemptions, for example educators will not be able to see employment references about them supplied in confidence, nor will people involved in negotiations with the data controller be able to see information about the data controller's intentions in relation to those negotiations.

- Employee data cannot be used for direct marketing (including fundraising) if the data subject objects. Approval to use employee data for marketing purposes must be sought from the Director/Manager, Clare.

**References to other relevant policies and procedures**

- Communication & Working in Partnership Policy
- Confidentiality & use of records Policy
- Safeguarding Policy and Procedures
- Staffing and Employment Policy
- Employee Handbook

**Policy Review**

This policy is in line with the EYFS (DfE 2025) Statutory Guidance

This policy has been adopted by Bottesford Bunnies

Signed on behalf of the setting by:

.....Owner

Next review May 2019

Reviewed and updated at staff meeting May 2<sup>nd</sup>, 2019

Next review date May 2020

Reviewed and updated at staff meeting January 11<sup>th</sup>, 2021

Next review date January 2022

Reviewed and updated at staff meeting January 11<sup>th</sup>, 2022

Next review date January 2023

Reviewed and updated at Staff meeting November 23<sup>rd</sup>, 2022, by Director, manager, Deputies and Practitioners

Next review date November 2023

Reviewed and updated at staff meeting November 30<sup>th</sup>, 2022, by Director, Manager, Deputies and Educators

Next review date November 2023

Reviewed and updated at staff meeting November 28<sup>th</sup> by Director, Manager, Deputies and Educators.

Next review date November 2024

Reviewed and updated at team meeting February 26<sup>th</sup>, 2025, by Director, Room Lead, Deputy Room Lead and Educators.

Next review date February 2026

Reviewed and updated at team meeting March 4<sup>th</sup>, 2026, by Director/Manager, Deputy Manager and Educators.

Next review date March 2027