



# Data Protection Policy

## 1. Introduction

Little Saints Nursery needs to collect and use certain types of information about the families and children who come into contact with Little Saints Nursery. This is to ensure that children and families are safeguarded and accurate contact information is stored. This personal information must be collected and dealt with appropriately whether is collected on paper, stored in a computer database or recorded on other material. There are safeguards to ensure this data is stored appropriately and safely, according to the Data Protection Act 1998.

## 2. Data Controller

Little Saints Nursery is the Data Controller under the Act, which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold and the general purposes which this data will be used for.

## 3. Disclosure

Little Saints Nursery may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The person with parental responsibility will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Little Saints Nursery to disclose data (including sensitive data) without the data subject's consent or prior knowledge.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of a child or other person
- c) The child or person with parental responsibility has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion

- f) Providing a confidential service where the child's consent cannot be obtained. In these circumstances, a child's assent to participate must be respected.

Little Saints Nursery regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Little Saints Nursery intends to ensure that personal information is treated lawfully and correctly.

To this end, Little Saints Nursery will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

- a) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
- b) Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s)
- d) Shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary
- f) Shall be processed in accordance with the rights of data subjects under the Act,
- g) Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
- h) 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 person with parental responsibility and the child in relation to the processing of personal information.

Little Saints Nursery will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used

- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
  - The right to be informed that processing is being undertaken,
  - The right of access to one's personal information
  - The right to prevent processing in certain circumstances and
  - The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

#### **4. Data collection**

Informed consent is when:

- A person with parental responsibility clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent.

Little Saints Nursery will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Little Saints Nursery will ensure that the person with parental responsibility:

- a) Clearly understands why the information is needed
- b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed

- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

## **5. Data Storage**

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is Little Saints Nursery responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

## **6. Data access and accuracy**

All persons with parental responsibility and/or family members have the right to access the information Little Saints Nursery holds about them. Little Saints Nursery will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, Little Saints Nursery will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it hold, manage and use personal information

- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact the Little Saints Nursery Data Protection Officer:

Karen Midgely  
Little Saints Nursery Manager  
01142352148

Signed:

Position:

Date:

Review Date:

## **Glossary of Terms**

**Data Controller** – The person who (either alone or with others) decides what personal information Little Saints Nursery will hold and how it will be held or used.

**Data Protection Act 1998** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**Data Protection Officer** – The person(s) responsible for ensuring that Little Saints Nursery follows its data protection policy and complies with the Data Protection Act 1998.

**Person with Parental Responsibility** – The person who has legal rights, duties, powers, responsibilities and authority a parent has for a child and the child's property

**Explicit consent** – is a freely given, specific and informed agreement by the person with parental consent in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

**Notification** – Notifying the Information Commissioner about the data processing activities of Little Saints Nursery as certain activities may be exempt from notification.

The link below will take to the ICO website where a self assessment guide will help you to decide if you are exempt from notification:

[http://www.ico.gov.uk/for\\_organisations/data\\_protection/the\\_guide/exemptions.aspx](http://www.ico.gov.uk/for_organisations/data_protection/the_guide/exemptions.aspx)

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

**Processing** – means collecting, amending, handling, storing or disclosing personal information.

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within (GROUP).

**Sensitive data** – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings