

## **Privacy Policy – Outlines all processes to personal data**

### **GDPR – General data Protection Regulation May 2018**

This is a new regulation from May 25<sup>th</sup> 2018 that is an update of the previously known 'data Protection act 1998'. It retains many of the original data protection elements but has been updated to address outdated personal data rules with the increasing digital technology available.

The amount of data we produce now wasn't foreseeable when current data protection laws were drawn up in the late 1990's.

While the GDPR is a piece of EU legislation, Brexit will not affect its implementation as the UK Government are currently introducing a new piece of legislation, the Data Protection Bill, which will mirror GDPR to enable us to continue trading with Europe post- Brexit.

**Data Subject:** This is the individual the data is about

**Data Controllers:** This is the Manager who implements the following:

- ⑩ Implements policies
- ⑩ Determines the purposes of data collection
- ⑩ How personal data is to be processed
- ⑩ Setting up 'Tapestry' on line account for children's developmental monitoring, creating Parents & Carers access to account

**Data Processors:** This is the Manager and staff who complete the following:

- ⑩ Collect, Record children's development
- ⑩ Handle sensitive data
- ⑩ Organisation, Structuring and Storage of data
- ⑩ Making data available
- ⑩ restriction, erasure and destruction ( see third party processor)

**Third party or Sub Processors:** The Foundation Stage Forum, known as 'Tapestry' Tapestry is the name of that which has been conceived, developed and owned by The Foundation Stage Forum. An early years organisation that has provided resources and support for the early Years Workforce since February 2003. They have contracts with many local authorities.

Tapestry staff who process our settings data are contractually bound to keep our data confidential. They are vetted and DBS checked annually and appropriately trained in data protection. Our setting data is NOT used for marketing or shared with others to do marketing, as stated in The Foundation Stage Forum Contract, seen and signed by Manager of Cygnets Pre-School on 26<sup>th</sup> May 2020.

### **What is placed on Tapestry**

Typically, information about children, staff and relatives of children

### **Subject matter**

Names, emails, D.O.B, postcodes, contents of an online learning journal which records children's care and development.

### **Nature of Tapestry**

To provide an online record of children's care, development and progress in order to monitor, share and analyse the progress and care.

### **Consent**

parents/ carers complete and sign a separate form to agree to setting up an account and to access tapestry to view their child's development and progress.

### **Restrict processing and Withdrawal of consent**

People who's data has been added to Tapestry have the right to restrict processing, such as, not to add photographs or video's to the account.

Parents/ carers have the right to withdraw their consent to have a Tapestry account.

When an account is withdrawn it will be 'deleted', within setting and moved into a holding file where it will sit for 90 days to allow a Parent to change their mind. It will then be deleted from the Tapestry back up system. If a Parent does not want to allow a cooling of period to allow a change of mind the tapestry account can be deleted straight away.

### **Right to data Portability**

When a child leaves a setting their tapestry account can be transferred to other settings if they are registered to use Tapestry, otherwise when children leave the setting their accounts are deleted within setting, but placed in a holding file for 90 days. This allows for situations, such as a family who may be relocating to another area to have their account transferred to another setting who is registered to use Tapestry. Once deleted on Tapestry data base it will then be deleted on the back-up system too.

**We use Tapestry** – for monitoring purposes looking at areas of learning to advise us of any gaps in the learning environment, groups, such as, school leavers, 2 yr and 3 yr aged children.

### **Appropriate use of Tapestry Account**

We encourage parents/ carers to add photographs and comments about their child's learning from within their home life. Where possible we keep other/ background children out of photo's and video's. We require parents to NOT upload any photographs from their tapestry account onto social media that may have other children within the photo/ video footage without written permission of the parents/ carers who's children are depicted in the photos/ video's. This written permission must be shared with the setting manager and a copy will be taken to keep on file.

### **Incorrect Password Attempts**

This will result in access being prevented for a period of time. If we suspect one of our staff or relatives accounts has or could be compromised we will make it 'Inactive'.

This will prevent access to the account. The staff member or relative will then be asked to change their password on the system.

### **Encryption**

Connections between ourselves and the Tapestry server are encrypted, also between the Tapestry App and the server. It is important staff and relations check they are connected to the official Tapestry site before entering passwords. The correct URL is <https://tapestryjournal.com> There should be a padlock or similar symbol to show the connection is encrypted. Clicking on the padlock will show information about the connection and should show the site is owned by 'The Foundation Forum'

### **Breach in data protection**

We will inform parents/ carers if we become aware of a breach. Our tapestry would be 'locked down' if we suspected a breach, while we work with Tapestry to resolve any issues. In the event of a 'Breach' either by Tapestry or Cygnets pre-school we would need to notify the 'data Protection Regulator' ICO within 72 hours of the breach.

### **Right to be informed**

Individuals have a right to be informed of the personal data we collect and how this is used within the setting. This will be discussed when completing admission form or upon entry to setting.

### **Purposes of data collection:**

We collect information, such as, names, date of birth, post code, parental responsibility, allergies, health issues, other agencies being accessed by the family. Information gathered is adequate, relevant and not excessive.

This information is collected for:

- ⑩ Allocating child care places to appropriately aged children
- ⑩ To create a waiting list for child care places
- ⑩ To hold a register of children who attend the setting
- ⑩ Eligibility to access government funded places of 15hr or 30hra week term time
- ⑩ Access to the 'Tapestry' account of an online journal of their individual child's development. ( see Third party Processor )
- ⑩ To protect children from and prevent incidents of allergy and illness
- ⑩ To work with other relevant agencies to continue to support the family

### **Sensitive data collection includes:**

- ⑩ Race, Ethnicity
- ⑩ Religion
- ⑩ Health

**Visitors Book:** It is part of our safeguarding Policy to ask visitors to sign in with their name, company, who visiting and car registration- if appropriate. This information is solely for the purpose of Health and Safety/ Evacuation of the building to ensure all

visitors are accounted for. Under GDPR visitors information needs to be secure, with this in mind a new visitor book will be available from 25<sup>th</sup> May 2018 which will hide each visitors personal information. Only the Manager and Deputy Manager will have access to the hidden information. The visitor book sign in sheets will remain in the visitor book for one school term. These sheets can then be removed and filed securely for a period of one year.

### **Retention of data:**

Data should not be kept longer than necessary, only if a business need or a statutory requirement. We retain certain information for three years as part of the statutory guidance for Early Years settings. Archived data will be treated the same as 'live' data This is for audit purposes by the Local Authority/ Ofsted including:

- ⑩ Registers
- ⑩ Admission forms
- ⑩ Funding forms (with proof of home address and D.O.B)
- ⑩ Tapestry access permission forms
- ⑩ Completed funding forms
- ⑩ Accident forms/ Medication forms

### **Best practice retaining data**

- ⑩ We have good filing systems in place
- ⑩ keep systems up to date.
- ⑩ Robust deletion system for any email data
- ⑩ Appropriate restrictions in place: only accessed by those with genuine reason.
- ⑩ Paper system: locks on cupboards where written data is stored, alarm system on building

### **Data security and IT**

- ⑩ keep documents safe- if emailed put in password protected, such as, 'e-switch', 'e-gress' any passwords sent out separately
- ⑩ Only Manager & Deputy Manager access company emails
- ⑩ All electronic devices should be encrypted, lap top, tablets
- ⑩ Staff do not share Tapestry accounts
- ⑩ Restricting access to data, tiered access only those with genuine need should be able to access.
- ⑩ Cygnets have their own WiFi access, separate from others using the building
- ⑩ Password protection and Virus protection is both used

### **Who data is shared with:**

- ⑩ Government/ Local Authority ( EYFS, HMRC, Ofsted )
- ⑩ Other agencies, such as, Health visitor, Speech & language, SEN/ Portage.  
( These agencies are only contacted with parental consent, this can be verbal

or written

- ⑩ Tapestry ( under foundation stage forum ) Data needed to set up individual child/ parent/ carer information
- ⑩ Other pre-school/ nursery settings. This will be in the form of passing on developmental information for that follow on setting to continue to monitor a child's progress. Also, when a child claims government funding for 15 or 30 hrs per week the setting must give a copy of the most recent funding form to parents/carers to pass onto the next setting for confirmation of hours already accessed.
- ⑩ Primary schools. This will be in the form of a 'transition document' to enable reception teachers to have a guide on a child's current level of development. School teachers may arrange to visit the setting to meet the children and talk to key staff about their individual development. Sometimes school teachers contact the pre-school to verbally enquire about a child's development. 'Transition documents' are shared with parents/carers before being sent to a primary school, so consent to share is gained in advance.

### **Lawful grounds for processing personal data**

As part of the pre-school admission requirements parents/carers are contractually obliged and statutorily obliged to provide some personal data that will enable us to offer an appropriately aged child a place at our setting. Without sharing some information with us, such as, names, date of birth, and eligibility to attend the setting we would be unable to confirm the offer of a place.

**Statutory requirements include:** EYFS, HMRC, The Childcare Register, The Early Years Inspection Handbook and Ofsted.

### **Right to withdraw consent/ make a complaint:**

If a parent/ carer decides to withdraw consent for some personal data to be shared this can be given in writing or verbally by speaking to the Manager or Deputy Manager. We will act on withdrawal as soon as possible, but within 7 days of request. If this will take longer than anticipated parents/ carers will be advised. Verbal requests will be logged and kept.

If parents/ carers believe their withdrawal is not being dealt with appropriately or that their data has been used inappropriately they may make a complaint to the ICO, the Information Commissioners Office.

### **Right of access (SAR – Subject access request)**

Under the GDPR individuals have a right to obtain:

- ⑩ confirmation that their data is being processed
- ⑩ Access to their personal data

Data will be provided without delay and at least within one month of receipt, either in writing or verbally. Verbal requests will be logged and kept.

**Record management systems in place:** Local filing systems in place allowing data to be processed, amended, deleted or distributed after a subject access request.

### **Right to rectification**

This is the right for individuals to have accurate personal data rectified or completed if incomplete.

- ⑩ The request can be made either in writing or verbally.
- ⑩ We will respond within one month to your request
- ⑩ A log of a verbal request will be kept
- ⑩ If we have disclosed personal data to other agencies we will contact these recipients to advise them of the rectification of the personal data. Recipients may include: Local authority, agencies or other bodies to which personal data are disclosed.
- ⑩ Parents/ carers have the right to complain to the ICO

### **Right to Erasure**

Under the GDPR individuals have the right to have personal data erased. This is known as the 'right to be forgotten'. This right is not absolute and only applies in certain circumstances. Individuals have the right to have their personal data erased if:

- ⑩ The data is no longer necessary for the purpose which it was originally collected or processed for
- ⑩ An individual objects to the processing of their data and there is no overriding legitimate interest to continue the processing.
- ⑩ If we process the personal data for direct marketing

When right to erasure does not apply, if processing is necessary for one of the following reasons:

- ⑩ To exercise right, freedom of expression
- ⑩ To comply with a legal obligation
- ⑩ For the performance of task around a public interest or in exercise of official authority
- ⑩ For archiving purposes in the public interest or statistical purposes where erasure is likely to render impossible or seriously impare the achievement of that processing

### **Restrict Processing**

GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. This is an alternative to requesting the 'erasure' of their data. Individuals have the right to request the restriction of the processing of their personal data if:

- ⑩ The individual contests the accuracy of their personal data and we in setting are verifying the accuracy of the data

- ⑩ data has been unlawfully processed and the individual opposes erasure but requests restrictions instead
- ⑩ We no longer need the personal data but the individual needs us in setting to keep it in order to establish, exercise or defend a legal claim; OR
- ⑩ The individual has objected to us in setting processing their data under GDPR and we in setting are considering whether our legitimate grounds override those of the individual.

As a matter of good practice we in setting would automatically restrict processing whilst we consider accuracy or legitimate grounds for processing the personal data in question.

### **Right to object**

GDPR gives individuals the right to object to the processing of their personal data. The right to object only applies in certain circumstances. Whether it applies depends on our settings purposes for processing and our lawful basis for processing.

- ⑩ Individuals have the absolute right to object to the processing of their personal data if it is for 'direct marketing purposes'
- ⑩ A task carried out in public interest
- ⑩ The exercise of official authority invested in us
- ⑩ Our settings own interests, or those of a third party

A parent/ carer must give specific reasons why they are objecting to the processing of their data. These reasons should be based on their particular situation.

In these circumstances this is not an absolute right and we, the setting may continue to process if:

- ⑩ We can demonstrate compelling legitimate grounds for the processing, which overrides the interests, rights and freedoms of the individual; OR
- ⑩ The processing is for the establishment, exercise or defence of legal claims.

### **Rights in relation to automatic decision making and profiling**

Individuals have the right not to be subject to decisions based solely on automated processing where the decision has a legal or similarly significant effects on the individual.

If we are satisfied that we do not need to stop processing the personal data in question we will advise the individual. We will explain our decision and inform them of their right to make a complaint to the ICO and their ability to seek to enforce their rights through a judicial remedy.

### **Accountability and Governance**

We have in place comprehensive, but proportionate measures:

- ⑩ An up to date GDPR/ Privacy policy
- ⑩ Timely reviews of operational policies and internal procedures
- ⑩ When sending emails we remove as much personal data as possible, only send initials or an invoice number, not all information. Use a secure email, such as, 'e-switch', 'egress'.
- ⑩ We ensure passwords are changed regularly, passwords must be strong and cannot be re-used.

This policy is the agreed working practice of all staff and volunteers

Staff signatures to confirm read and understood;

Manager: Tracy Nicholls.....

Deputy Manager. Anne Skeen .....

Practitioners: Michelle Allen .....

Justina Knight .....

ChloeVanner .....

Toni Brown .....

Apprentice: Jaana Brown .....