



Data Protection Policy

TCC Christian Preschool collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the preschool. This information is gathered to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the preschool complies with its statutory obligations.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation (GDPR) 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically. All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual that can be used directly or indirectly to identify the person from that data, or other information held.

Data Protection Principles

Under the General Data Protection Regulation 2018 individuals have the following rights:

- The right to be informed;
- The right of access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object;
- The right not to be subject to automated decision-making including profiling

General Statements

- Personal data shall be processed fairly and lawfully;
- Inform individuals when their information is shared, and why and with whom it was shared;
- Share information with others only when it is legally appropriate to do so;
- Personal data shall be obtained for one or more specified and lawful purposes;
- Personal data shall be adequate, relevant and not excessive;
- Personal data shall be accurate and where necessary, kept up to date;
- Share information with others only when it is legally appropriate to do so;
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Personal data shall be processed in accordance with the rights of data subjects under the General Data Protection Regulation 2018;

- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- 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 data protection.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

General Statement

The preschool is committed to maintaining the above principles at all times. Therefore, the preschool will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the preschool’s complaints policy. Complaints relating to information handling may be referred to the Information Commissioner’s Office (ICO).

Contacts

If you have any enquires in relation to this policy, please contact the Data Protection Officer or the Manager, who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner’s Office, www.ico.gov.uk or telephone 0303 123 1113

Signed Manager

Date.....

Appendix 1

Procedures for responding to subject access requests made under the General Data Protection Regulation 2018

Rights of access to information

There are two distinct rights of access to information held by preschools about children.

1. Under the General Data Protection Regulation 2018 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005. These procedures relate to subject access requests made under the General Data Protection Regulation 2018.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email and be addressed to the Manager. If the initial request does not clearly identify the information required, then further enquiries will be made. However, Social Services do sometimes phone.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

3. Any individual has the right of access to information held about them. However, with preschool children, the child is not deemed to be competent so an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The preschool may make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records preschools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Manager.

The response time for subject access requests, once officially received, is 28 days (not working or school days but calendar days, irrespective of school holiday periods). However, the 28 days will not commence until after receipt of fees or clarification of information sought. The response time for records containing solely educational information is 15 school days. This time period takes into account weekends and school holidays. The 15 days will not commence until after the receipt of fees or clarification is sought.

5. The General Data Protection Regulation 2018 allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.

6. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 28 days statutory timescale.

7. Any information which may cause serious harm to the physical or mental health or emotional condition of the child or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

8. If there are concerns over the disclosure of information then additional advice should be sought.

9. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why. As far as possible, the requestor should be given an explanation as to why the information was removed (e.g. related to another child).

10. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

11. Information can be provided at the preschool with a member of staff on hand to help and explain matters if requested or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Manager who will decide whether it is appropriate for the complaint to be dealt with in accordance with the preschool's complaint procedure.

Complaints which are not appropriate to be dealt with through the preschool's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures, then please contact the Manager.

Further advice and information can be obtained from the Information Commissioner's Office.

1.3 Keeping Safe	2.1 Respecting Each Other	3.2 Supporting Every Child 3.4 The Wider Context	
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