

CATERPILLARS PRE-SCHOOL (SUSSEX) LIMITED

**9. DATA PROTECTION POLICY**

**Definition:** Client’s ‘To mean Parents and their children registered with Caterpillars’

Caterpillar’s Pre-School is required to keep certain information about its employees, clients, volunteers and members of the public, to enable the setting to monitor performance and achievements. It is also necessary to process information so that staff can be recruited and paid, activities organised and legal obligations to funding bodies and government fulfilled.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this Caterpillars Pre-School must comply with the General Data :Protection Principles which are set out in the General Data Protection regulation Act 2018 (GDPR). In summary these state that personal data must be:

* Obtained and processed fairly and lawfully
* Obtained for a specified and lawful purpose and not processed in any manner incompatible with that purpose; adequate, relevant and not excessive for that purpose
* Accurate and kept up to date
* Not to be kept longer than necessary
* Processed in accordance with the data subject’s rights
* Kept safe from unauthorised access, accidental loss or destruction
* Not to be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data

All Caterpillars Pre-School staff and volunteers who process or use any Personal Information must ensure that they follow the principles at all times. In order to ensure this happens, Caterpillars Pre-School has adopted this Data Protection Policy and provided relevant training to all staff members.

Any member of staff, volunteer, client and members of the public who considers that this policy has not been followed in respect of personal data about him/herself or their child, should raise the matter with the Designated Data Protection Officer: **Cathie Clark**

**If the matter is not resolved it should be raised as a formal grievance.**

**Notification of Data held and processed**

All employees, Volunteers, clients have the right to:

* Know what information Caterpillars Pre-School holds and processes about them and why
* Know how to gain access to it
* Know how to keep it up to date
* Know what Caterpillars Pre-School is doing to comply with its obligations under the Act

**The Data Controller and the Designated Data Controllers**

Caterpillars Pre-School as a limited company is the Data Controller under the Act, and the organisation is therefore ultimately responsible for implementation. Caterpillars Pre-School’s Designated Data Controllers are: Pre-School Manager: Cathie Clark

**Information Held**

Personal information is defined as any details relating to a living, identifiable individual. Within Caterpillars Pre-School this applies to employees, volunteers, clients and other members of the public such as job applicants and visitors. We need to ensure that information relating to all these people is treated correctly and with the appropriate degree of confidentiality.

Caterpillars Pre-school holds Personal Information in respect of its employees, volunteers, clients and other members of the public. The information held may include:

* Individuals name
* Addresses
* Date of Birth
* National Insurance Numbers
* Telephone Numbers
* Email addresses
* Bank Details

Personal Information is kept in order to enable Caterpillars Pre-School to understand the history and activities of individuals or organisations within the voluntary and community sector and to effectively deliver services to its staff, volunteers, client and members of the public.

**Processing of Personal Information**

All staff and volunteers who process or use Personal Information receive training and are responsible for ensuring that:

* Any Personal Information which they hold is kept securely: and
* Personal Information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Staff and volunteers, should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should be:

* Kept in a locked filing cabinet; or
* In a locked drawer; or
* If it is computerised, be password protected; or
* Kept only on disk (USB Stick) which is itself kept securely.

**Telephone Conversations and Meetings**

If personal information is collected by telephone, callers should be advised what that information will be used for and what their rights are according to the act.

If a caller requests information via the telephone, the caller’s id must be verified and called back. Any information requested should be logged appropriately. Any requested information should be authorised via the Data Protection Officer: Cathie Clark.

Personal or confidential information should preferably not be discussed in public areas of Caterpillars Pre-School’s work premises or within open-plan office areas. Wherever possible, visitors should be escorted to the office and not be permitted to wander about the premises on their own. If possible, visitors should subsequently be escorted out of the premises when the meeting is over. All staff should be aware if the difficulties of ensuring confidentiality in an open plan area and respect the confidential nature of any information in advertently overheard. Any note taken during an interview should be of relevance and appropriate. It is recommended that such notes are subsequently filed in a legible and coherent manner and that informal notes are retained for a short period of time (1 Year), in a secure place, before being shredded.

**Collecting Information**

Whenever information is collected about people, they should be informed why the information is being collected, who will be able to access it and to what purposes it will be put. The individual concerned must agree that he or she understands and gives permission for the declared processing to take place, or it must ne necessary for the legitimate business of Caterpillars Pre-School.

**Publication and Use of Caterpillars Pre-School Information**

* Caterpillars Pre-School may obtain, hold, process, use and disclose information in connection with the administration, management and business activities of Caterpillars Pre-School, including making and keeping lists of relevant organisations
* Caterpillars Pre-School may use information for anything ancillary or incidental to any of the foregoing
* Photographs of key staff may be displayed at Caterpillars Pre-School or placed on the website with their consent
* Caterpillars Pre-School’s internal staff contact list will not be a public document and information such as mobile telephone numbers or home contact details will not be given out, unless prior agreement has been secured with the staff member in question.

Any individual who has good reason for wishing details in these categories to remain confidential should contact the Designated Data Protection Officer.

**Sensitive Information**

Sensitive information is defined be the Act as that relating to ethnicity, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, criminal proceedings or convictions. The person about whom the data is being kept must give express consent to the processing of such data, except where the data processing is required by law for employment purposes or to protect the vital interests of the person or a third party.

**Disposal of Confidential Material**

Sensitive material should be shredded or burnt. Particular care should be taken to delete information on a computer hard drives if a machine is to be disposed of or passed on to another member of staff.

**Staff Responsibilities**

All staff are responsible for checking that any information that they provide to Caterpillars Pre-School in connection with their employment is accurate and up to date. Staff have the right to access and personal data that is being kept about them either on computer or in manual filing systems.

**Duty to Disclose Information**

There is a legal duty to disclose certain information, namely, information about: Child abuse, which will be disclosed to social services, or Drug trafficking, money laundering or acts of terrorism or treason, which will be disclosed to the police.

**Breach Notification**

Under the GDPR all organisations have to report certain types of personal data breaches to the ICO and in some cases, to the individuals affected.

A personal data breach means a breach of security leading to the destruction, loss. Alteration, unauthorised disclosure of, access to, personal data.

Where a breach is likely to result in a high risk to the rights of the freedoms of individuals, we must notify those concerned directly and without undue delay.

In all cases we will maintain records of personal data breaches, whether or not they were notifiable to the ICO.

A notifiable breach will be reported to the ICO within 72 hours of the business becoming aware of it.

All staff are aware and understands what constitutes a personal data breach, and that it is more than a loss of personal data.

**Retention of Data**

Caterpillars Pre-School will keep some forms of information for longer than others. Because of storage problems, information about clients cannot be kept indefinitely, unless there are specific requests to do so. In general information about clients will be kept for a minimum of 3 years after they use the services, unless other bodies, such as Ofsted requires us to keep it for longer.

Caterpillars Pre-School will also need to retain information about staff. In general for six years after a member of staff leaves Caterpillars. This will include information necessary in respect of pensions, taxation, potential or current disputes or litigation regarding the employment, and information for job references. A full list of information with retention times is available from the designated Data Controller.

A statement about Data Protection will be displayed clearly within public spaces within Caterpillars Pre-School premises. A copy of the Data Protection Statement is contained in Appendix.

This policy was adopted by the Manager of Caterpillars Pre-school on 29TH March, 2018

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Name of signatory: Catherine Clark Role of signatory: Manager