

Sandbank and Valley Nursery Schools Federation

General Data Protection Regulation Policy



September 2024

General Data Protection Regulation Policy

The General Data Protection Regulation (GDPR) replaces the previous Data Protection Directives. This was approved by parliament in 2016 and comes into effect on the 25th May 2018.

The school as a corporate body is the Data controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Protection Officer will deal with the day to day matters.

The schools designated data controller can be contacted via email:

postbox@valley.walsall.sch.uk

postbox@sandbank.walsall.sch.uk

They will seek guidance from the Local Authority E-Safety team.

Definitions of personal data are highly complex and it is difficult to define categorically. However, broadly speaking and in day to day use, personal data is information which relates to a living, identifiable individual.

Procedures

The GDPR states that personal data should be processed fairly and lawfully and collected for specified, explicit and legitimate purposes and that individuals data is not processed without their knowledge and are only processed with their explicit consent. GDPR covers personal data relating to individuals. Sandbank and Valley Nursery Schools Federation is committed to protecting the rights of freedoms of individuals with respect to the processing of children's, parents, visitor's and staff personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is held about them. It provides a framework to ensure that personal information is handled properly.

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with appropriate legislation.

All staff involved with the collection and processing and disclosure of personal data will be aware of their duties and responsibilities adhering to these guidelines.

GPDR includes 7 rights for individuals which Sandbank and Valley Nursery Schools Federation is committed to maintaining at all times: -

1. The right to be informed

As Nursery schools, Sandbank and Valley are required by law to collect and manage certain data in relation to our children. We are required to provide this data to the Local Authority (Walsall) and to the DFE.

We are also required to collect data in respect of staff, and other adults who visit us. Some of this data is required for management purposes. Other data is required for Health and Safety or Safeguarding purposes.

The data which we collect is listed in Appendix A. This list is reviewed annually.

2. The right of access

At any point people can make a request relating to their personal data or that pertaining to their child (ren)

Sandbank and Valley Nursery Schools Federation will be required to make a response within 1 month. This request should be made in writing.

Sandbank and Valley Nursery Schools are able to refuse requests where we have lawful obligation to retain data but we will provide to the individual a reason for refusal. The individual will have the right to complain to the ICO if they are unhappy with the decision.

3. The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued retention. However, Sandbank and Valley Nursery Schools Federation, have a legal obligation to retain some records for specific time periods. These periods are listed in Appendix B. Data pertaining to past staff and to children who have left Sandbank and Valley are stored in a locked archive store. It is shredded after the identified retention period.

4. The right to restrict processing

Parents, visitors and staff can object to their data being processed. This means that records can be stored but must not be used in any way, for example, reports or communications.

5. The right to data portability

If Sandbank and Valley Nursery Schools require data to be transferred from the IT system to another - for example, from Sandbank or Valley to another Local Authority, we will ensure these recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

6. The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research. Sandbank and Valley Nursery Schools Federation will ask permission before passing data to any such organisation. Sandbank and Valley Nursery Schools Federation does not currently participate in marketing activities.

7. The right not to be subjected to automated decision making including profiling. Automate decisions and profiling are used for marketing based organisations. Sandbank and Valley Nursery Schools Federation does not use personal data for such purposes.

8. For the use of CCTV cameras, please see separate policy.

9. Data rights

Under GDPR the rights to the data belong to the individual to whom the data relates. However, due to the pupil's age and understanding the school will rely on parental consent to process data relating to pupils.

10. Exemptions

Certain data is exempted from the provisions of GDPR:

- The prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the school

11. Disclosure of information

The school confirms that it will not generally disclose information about individuals, unless the individual has given their consent or one of the specific exemptions under GDPR applies.

When the school receives a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure.

12. Accuracy

In accordance with GDPR 2018, it is school policy to ensure that any personal data held about an individual is accurate. Conversely, the school will seek to encourage all parents and staff to notify the Data Protection Officer of any changes to information held about them (Change of address, change of material status etc.). The school recognises the individual right to request that inaccurate information about them is erased or corrected.

13. Storage and use of personal information

All paper copies of children's and staff records are kept in locked filing cabinets within Sandbank and Valley Nursery Schools. Members of staff are able to access these for work purposes but information taken from the files is confidential and is kept on site at all times, with the exception of information necessary for offsite meetings (for example, Child Protection meetings). These records are shredded after the relevant retention period. (See retention schedule).

Where it is reasonably practicable, the school will take steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the GDPR. The school will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons. Any breaches in Data security or processing policy will be reported to the Data Protection Officer, who will seek the support of the Local Authority Data Controller.

Information about individual children is used in documents such as the daily register, medication forms, referrals to outside agencies and disclosure forms. These documents may contain data such as name, date of birth and address. These records are destroyed after the relevant retention period.

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with GDPR, they should make a

complaint to the Data Protection Officer, the complaints procedure is made available on the school website.