

Policy Title and Number:

Confidentiality & Data Protection Policy (GDPR compliance)

Policy Reference Number: JIC-064

### **Legislation that informs this policy**

*Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013*

*Health and Safety (Display Screen Equipment) Regulations 2002*

*Occupier's Liability Act 1984*

*The Children Act 1989; 2004*

*Early Years Foundation Stage 2017*

*Disability Discrimination Act 2006*

*Freedom of Information Act 2000*

*Sex Discrimination Act 1975*

*Race relation Act 2000*

*Data Protection Act 1998 and 2003*

*General Data Protection regulations 2018*

***This list is not exhaustive***

### **Policy**

Due to the nature of its business, *Just Imagine Day Nursery – Canvey Island* has access to personal information concerning all staff, children and their families as well as students and/or volunteers and it is therefore imperative that the strictest confidentiality is maintained at all times.

*Just Imagine Day Nursery – Canvey Island* will not pass on any of such information to any other agencies or professional bodies unless we have the express permission of the person who supplied the data or unless we are legally obliged to disclose it. **All safeguarding issues will surpass this policy.**

*Just Imagine Day Nursery – Canvey Island* endeavor to ensure that all information is collected, processed and stored under the Data Protection Act requirements.

Confidential and sensitive information:

- is stored and kept securely at all times;
- is fairly and lawfully processed;
- is accurate and kept up to date;
- is limited to the relevant;
- will not be used for any purposes other than that for which it was given.
- *Just Imagine Day Nursery – Canvey Island* takes full responsibility for ensuring that all staff and volunteers are aware of the Data Protection Act requirements and of the need for keeping confidentiality at all times. At times, *Just Imagine Day Nursery's – Canvey Island* employees may come in contact with sensitive information. It is of the utmost importance that they ensure that all such information is kept confidential at all times and at all levels.
- All personal records or information held by *Just Imagine Day Nursery – Canvey Island*, whether on paper or on computer are covered by Data Protection Act and individuals have criminal liability if they recklessly disclose any information. A breach of this policy will lead to disciplinary measures or to instant dismissal.

*Just Imagine Day Nursery – Canvey Island* is fully committed to compliance with the requirements of the General Data Protection Regulation (GDPR) and all other data protection legislation currently in force. The Regulation applies to anyone processing personal data and sets out principles which should be followed and gives rights to those whose data is being processed.

To this end, the Company endorses fully and adheres to the Data Protection Principles listed below. When processing data we will ensure that it is:

- processed lawfully, fairly and in a transparent way ('lawfulness, fairness and transparency')
- processed no further than the legitimate purposes for which that data was collected ('purpose limitation')
- limited to what is necessary in relation to the purpose ('data minimisation')
- accurate and kept up to date ('accuracy')
- kept in a form which permits identification of the data subject for no longer than is necessary ('storage limitation')
- processed in a manner that ensures security of that personal data ('integrity and confidentiality')
- processed by a controller who can demonstrate compliance with the principles ('accountability')

These rights must be observed at all times when processing or using personal information. Therefore, through appropriate management and strict application of criteria and controls, the Company will:

- observe fully the conditions regarding having a lawful basis to process personal information
- meet its legal obligations to specify the purposes for which information is used
- collect and process appropriate information only to the extent that it is necessary to fulfil operational needs or to comply with any legal requirements
- ensure the information held is accurate and up to date
- ensure that the information is held for no longer than is necessary
- ensure that the rights of people about whom information is held can be fully exercised under the GDPR (i.e. the right to be informed that processing is being undertaken, to access personal information on request; to prevent processing in certain circumstances, and to correct, rectify, block or erase information that is regarded as wrong information)
- take appropriate technical and organisational security measures to safeguard personal information
- ensure that personal information is not transferred outside the EU, to other countries or international organisations without an adequate level of protection

#### Employees Personal Information

Throughout employment and for as long as is necessary after the termination of employment, the Company will need to process data about you. The kind of data that the Company will process includes:

- any references obtained during recruitment
- details of terms of employment
- payroll details
- tax and national insurance information
- details of job duties
- details of health and sickness absence records
- details of holiday records
- information about performance
- details of any disciplinary and grievance investigations and proceedings

training records

contact names and addresses

correspondence with the Company and other information that you have given the Company

The Company believes that those records used are consistent with the employment relationship between the Company and yourself and with the data protection principles. The data the Company holds will be for management and administrative use only but the Company may, from time to time, need to disclose some data it holds about you to relevant third parties (e.g. where legally obliged to do so by HM Revenue & Customs, where requested to do so by yourself for the purpose of giving a reference or in relation to maintenance support and/or the hosting of data in relation to the provision of insurance).

In some cases the Company may hold sensitive data, which is defined by the legislation as special categories of personal data, about you. For example, this could be information about health, racial or ethnic origin, criminal convictions, trade union membership, or religious beliefs. This information may be processed not only to meet the Company's legal responsibilities but, for example, for purposes of personnel management and administration, suitability for employment, and to comply with equal opportunity legislation. Since this information is considered sensitive, the processing of which may cause concern or distress, you will be asked to give express consent for this information to be processed, unless the Company has a specific legal requirement to process such data.

#### ACCESS TO DATA

You may, within a period of one month of a written request, inspect and/or have a copy, subject to the requirements of the legislation, of information in your own personnel file and/or other specified personal data and, if necessary, require corrections should such records be faulty. If you wish to do so you must make a written request to your line Manager. The Company is entitled to change the above provisions at any time at its discretion.

#### Data Security

Employees are responsible for ensuring that any personal data that you hold and/or process as part of your job role is stored securely.

#### Parent/carer's and child's personal information

Throughout child's registration and for as long as is necessary after the termination of registration, Foundations for learning will need to process data about you. The kind of data that the Company will process includes, Yours and your child's full names, Your child's date of birth, Your address, Your contact numbers and those of your emergency contacts, Your email address, Your child's medical condition, In some cases, your National insurance number.

While your child is with us we store information regarding: Their ongoing progress and development; photographs of them; Accident records; medication records, attendance records etc.

**Date updated: August 2021**

**Date for review: August 2022**

**Links to other policies:** Equal Opportunities Policy, Safeguarding Policy, Induction Policy, Display Screen Equipment Policy, Disciplinary and Dismissal Policy, Grievance Policy; Employee Handbook