



Round and Round the Gardens Childcare

... the natural choice for your child.

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Data Protection

The Information Commissioner's Office (ICO)

The Information Commissioner's Office is the UK's independent public body set up to promote access to official information and to protect personal information.

They regulate and enforce the Data Protection Act, the Freedom of Information Act, the Privacy and Electronic Communications Regulations and the Environmental Information Regulations.

The ICO provides guidance to businesses (such as R&RG Childcare) as well as individuals.

The Data Protection Act requires us to process personal data fairly and lawfully. This section explains how to comply with this requirement, and gives examples of good practice in handling personal data.

The requirement to process personal data fairly and lawfully is set out in the first data protection principle and is one of eight such principles at the heart of data protection. The main purpose of these principles is to protect the interests of the individuals whose personal data is being processed. They apply to everything we do with personal data.

So the key to complying with the Data Protection Act is to follow the eight data protection principles:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.



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2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. 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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.



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As R&RG Childcare Limited hold information on children, families, students and staff, we are obliged to register with Data Protection.

List of records kept (but not exhaustive):-

Registration Forms
Learning Journeys
Accident Forms
Personnel Files
DBS details/date/id number
Payroll Files
Family Individual Accounts Files
Email addresses
SEND files
Safeguarding files
Children's photographs
Redfish Online Management System Database
Tapestry Online Observations Database
Paper and electronic formats used for storage.

Security:- Paperwork kept in a locked office and/or in locked filing cabinets and NEVER removed from the nursery setting. Online systems maintained by third-party.

Our responsibilities as signatories of the Surrey Multi-Agency Information Sharing Protocol are required to abide by the principles laid down in the Data Protection Act 1998.

However, most organisations will also be required to observe professional standards (such as the six Caldicott Principles or the Guidance on Management of Police Information 2006). Predominantly, professional organisations, eg Association of Chief Police Officers, Nursing and Midwifery Council and the General Medical Council, will develop and issue guidelines for processing and sharing personal and sensitive personal data. Any guidelines should not conflict with the aims of the Surrey Multi-Agency Information Sharing Protocol. If a conflict arises it should be brought to the attention of the Surrey Multi-Agency Information Sharing Protocol User group for consideration. The common rules that all signatories must abide by are the eight principles outlined in Schedules 1 and 2 of the Data Protection Act 1998.



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Principle 1: Personal data shall be processed fairly and lawfully Fair processing and consent

1.1 There is a requirement to make the general public, who may use the services of the signatories, aware of why the organisations need information about them, how this is used and to whom it may be disclosed.

Staff 1.2 There must also be procedures to notify staff, temporary employees (volunteers, locums), etc of the reasons why their information is required, how it will be used and to whom it may be disclosed. This notification may be given during induction or at a meeting with a member of staff's individual manager.

Patients 1.3 Data subjects may be made aware of this requirement verbally, by the use of information leaflets, or by statements in handbooks or on survey forms.

Principle 2: Personal data shall be obtained for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes

Registration or Notification 2.1 The purposes of all databases that hold or process personal information about living individuals must be registered with the Office of the Information Commissioner. This process is known as notification. If an organisation fails to complete this process and keep the information up to date it has committed a criminal offence and could face criminal prosecution.

2.2 The Data Protection Officer or equivalent will ensure all relevant databases are registered. A nominated person will be responsible as an Application Manager or System Manager for each registered process.

2.3 For the purposes of Data Protection, a database is considered to be any collection of personal information that can be processed by automated means. A few examples are detailed below: • Data Subject records (names and addresses etc) for appointments • Data Subject information used for research eg where only NHS number (or other personal identifier may be allocated) and clinical details may be held – this could be a spreadsheet. • Staff records held on Excel to monitor annual leave and sickness

Principle 3: Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed

3.1 Information collected from individuals should be complete and should all be justified as being required for the purpose for which it is being requested. 18

Principle 4: Personal data shall be accurate and, where necessary, kept up to date Accuracy and data quality

4.1 Organisations must ensure that all information held on any medium is accurate and up to date. The accuracy of the information can be achieved by



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implementing validation routines, some of which will be system specific, and details must be provided of these validation processes to the system or information users.

4.2 Users of software will be responsible for the quality (ie Accuracy, Timeliness, Completeness) of their data by carrying out their own quality assurance and participating as required in quality assurance audits.

4.3 Staff should check with data subjects that the information held by the organisation is kept up to date. This may partially be achieved by asking data subjects attending appointments to validate the information held.

4.4 Staff information should also be checked for accuracy on a regular basis – either by the Nursery Manager or by the Business Manager(HR).

Principle 5: Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes Retention of information

5.1 All records are affected by this procedure regardless of the media in which they may be kept. ISO 15489-1 – Information and documentation – Records management – Part 1: General provides comprehensive guidance for organisations on the retention of records.

5.2 If the information on the computer or manual record is not the main record, this is considered to be transient data, and procedures must be put in place to give guidance to these users that the information should be culled, archived or destroyed when no longer deemed to be of use.

Principle 6: Personal data shall be processed in accordance with the rights of data subjects under this Act The rights of the individual, including subject access and the right to complain

6.1 Under this principle of the Data Protection Act, individuals have the following rights:

6.1.1 of subject access (further information see below)

6.1.2 to prevent processing likely to cause harm or distress

6.1.3 to prevent processing for the purposes of direct marketing

6.1.4 in relation to automated decision taking

6.1.5 to take action for compensation if the individual suffers damage 6.1.6 to take action to rectify, block, erase or destroy inaccurate data

6.1.7 to make a request to the Information Commissioner for an assessment to be made as to whether any provision of the Act has been contravened



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6.2 Some of these rights may have to be determined by the courts, as insufficient guidance is available at this time. Subject Access

6.3 Individuals whose information is held within organisations have certain rights of access to it, regardless of the media in which the information may be retained. Individuals also have a right to complain if they believe that an organisation is not complying with the requirements of the Data Protection legislation.

6.4 Organisations must ensure an up to date procedure is in place to deal with requests for access to information. Compensation

6.5 Individuals have a right to seek compensation for any breach of the Act which may cause them damage or distress. 20 Complaints

6.6 Organisations should ensure their complaints procedures are reviewed to take account of complaints which may be received because of a breach or suspected breach of the Data Protection Act 1998.

Principle 7: Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data

Security 7.1 All information relating to identifiable individuals must be kept secure at all times. Organisations should ensure there are adequate procedures in place to protect against unauthorised processing of information and against accidental loss, destruction and damage to this information.

7.2 Measures should be taken to ensure that:

7.2.1 All software and data is removed from redundant hardware and media storage (eg tapes, disks) before the hardware is removed from the Organisation.

7.2.2 Confidential paper waste is shredded or is collected and held in a secure area prior to shredding or incinerating.

7.2.3 Personal data held on computer configurable media is encrypted and protected through appropriate access controls. Disposal of personal data 7

7.3 Organisations have a legal obligation to maintain confidentiality standards for all information relating to data subjects, employees and organisational business. It is important that this information is disposed of in a secure manner. System management

7.4 All hardware systems require responsibility for their functions to be nominated to a System Manager. For some organisations, a single person acts as both System Manager and Application Manager.



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Application Manager 7.5 This is the responsibility of the company owner for ensuring that a system and its users comply with the current Data Protection legislation and with the Data Protection Principles. This person will have responsibility for ensuring that the registration is kept up to date and fit for purpose, and that procedures are in place to achieve a high level of data quality.

7.6 Each system's designated Application Manager (company owner) will ensure:

7.6.1 the Data Protection registrations or notifications are up to date

7.6.2 users are set up on the system on a need to know basis

7.6.3 expert advice is available regarding Data Protection issues

7.6.4 disclosures of information are checked against the registrations

7.6.5 unusual requests for disclosure are scrutinised

7.6.6 staff are made aware of their responsibilities regarding security, data protection and confidentiality issues Back-ups

7.7 Each Application Manager or System Manager will have responsibility for ensuring there is a procedure that outlines the media, frequency and retention period for back-ups of the data and programs for the systems within their control.

7.8 Those systems which are managed for the users by third party organisations will have their systems backed up regularly in a programme defined by the Application manager or System Manager. Ideally, the master copy of programs and back-ups of data will be kept in a fireproof data safe, preferably in a separate building from the system. Disclosure of information and information in transit

7.9 It is important that information about identifiable individuals should only be disclosed on a strict need to know basis and in keeping with the Surrey Multi-Agency Information Sharing Protocol of which this Appendix is a part. Strict controls governing the disclosure of patient identifiable information are also a requirement of the Caldicott recommendations. 22

7.10 All disclosures of computer held identifiable information should be included in the relevant data protection registration document for the database from which the disclosure may be made.

7.11 Some disclosures of information may occur because there is a statutory requirement upon the organisation to disclose eg with a Court Order, because other legislation requires disclosure.

7.12 If person identifiable information or records need to be transported in magnetic tape, floppy disk or manual paper records, this transportation should be carried out so that the security and confidentiality of the information is maintained.

7.13 Reliable transport couriers should be used at all times. Packaging should be sufficient to protect the contents from any physical damage during transit, and should be in accordance with the manufacturer's specifications.



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Contracts 7.14 Consideration should be given to the inclusion, in contracts between organisations and third parties, of a standard confidentiality clause, which should be disseminated to the employees of third parties.

Principle 8: 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 protection for the rights and freedoms of data subjects in relation to the processing of personal data

8.1 If you need to send person identifiable information to countries outside of the European Economic Area you must discuss this with the organisational Data Protection Officer as the levels of protection for the information may not be as comprehensive as those in the United Kingdom.

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