



General Data Protection Regulation Policy

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be 'processed fairly & 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. Abacus Child Care Settings is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors 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 handled properly.

GDPR includes 7 rights for individuals

1) **THE RIGHT TO BE INFORMED**

Abacus Child Care Settings is a registered Childcare provider with Ofsted and as so is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's' full names, addresses, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Croydon Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to our setting. We need to know visits names, telephone numbers, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Abacus Child Care Settings is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to UKCRBs for the processing of DBS checks. Abacus Child Care Settings uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

2) **THE RIGHT OF ACCESS**

At any point an individual can make a request relating to their data and Abacus Child Care Settings will need to provide a response (within 1 month). Abacus Child Care Settings can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy 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 use. However Abacus Child Care Settings has a legal duty to keep children's and parents details for a reasonable time*, Abacus Child Care Settings retain these records for 3 years after leaving pre-school, children's accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the member of leaves employment, before they can be erased. This data is archived securely offsite and shredded after the legal retention period. There is a full Risk Assessment in place for transportation and storage. A copy of this Risk Assessment can be provided upon request.

4) THE RIGHT TO RESTRICT PROCESSING

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

5) THE RIGHT TO DATA PORTABILITY

Abacus Child Care Settings requires data to be transferred from one IT system to another; such as from Abacus Child Care Settings to the Local Authority or to shared settings. 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.

7) THE RIGHT NOT TO BE SUBJECT TO AUTOMATED DECISION-MAKING INCLUDING PROFILING.

Automated decisions and profiling are used for marketing based organisations. Abacus Child Care Settings does not use personal data for such purposes.

Storage and use of personal information

All paper copies of children's and staff records are kept in a locked office at Abacus Child Care Settings and a locked filing cabinet in the main office. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from archiving, these records remain on site at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as, a weekly register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period. Abacus Child Care Settings collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend or added to the child's file and stored appropriately.



Information regarding families' involvement with other agencies is stored both electronically on an external hard drive and in paper format; this information is kept in a locked office at the setting and in a locked filing cabinet in the main office. These records are shredded after the relevant retention period.

Upon a child leaving Abacus Child Care Settings and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent via the internal Croydon Council post service or via a secure file transfer system.

For children attending school outside Croydon Council the parent/carer will be given the data to deliver to the receiving school. Abacus Child Care Settings stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has been obtained via the Model Release form. No names are stored with images in photo albums, displays, on the website or on Abacus Child Care Settings social media sites.

Access to all Office computers is password protected. When a member of staff leaves the company these passwords are changed in line with this policy and our Safeguarding policy. Any portable data storage used to store personal data, e.g. USB memory stick, are password protected and/or stored in a locked filing cabinet.

GDPR means that Abacus Child Care Settings must;

- * Manage and process personal data properly
- * Protect the individual's rights to privacy
- * Provide an individual with access to all personal information held on them

* Please see below our Retention periods for records.



CHILDREN'S RECORDS	RETENTION PERIOD	STATUS	AUTHORITY
	A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
Children's records -including registers, medication record books and accident record books pertaining to the children	Until the child reaches the age of 21-or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
PERSONNEL RECORDS	RETENTION PERIOD	STATUS	AUTHORITY
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
DBS check	6 months	Recommendation	DBS Code of Practice The following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken
Pay			
Wage/salary records (including overtime, bonuses & expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982



Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development
Health and safety			Social Security (Claims & Payments) Regulations 1979
Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
FINANCIAL RECORDS	RETENTION PERIOD	STATUS	AUTHORITY
Accounting records	3 years from the end of the financial year for private companies, 6 years for public limited companies	Requirement	Companies Act 2006
	6 years for charities	Requirement	Charities Act 2011
ADMINISTRATION ON RECORDS	RETENTION PERIOD	STATUS	AUTHORITY
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive
	10 years from the date of the meeting for companies	Requirement	Companies Act 2006
Minutes/minute books	6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012
	Permanently	Recommendation	Chartered Institute of Personnel and Development