



## General Data Protection Policy (GDPR)

### Statement

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 individual's data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Nippertime Preschool Limited 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. Nippertime Preschool Limited is registered with the ICO (Information Commissioners Office) under registration reference: Z9758153 and has been registered since 28th March 2007. Certificate is on display on the parent's information board at Nippertime Preschool.

### GDPR includes 7 rights for individuals

#### 1. The right to be informed

Nippertime Preschool Limited 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 etc. We need to know children's' full names, addresses, date of birth and receive a copy of your child's birth certificate. This information is provided when you complete our registration form. For parents claiming the free nursery entitlement we are requested to provide this data to Surrey County 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 Nippertime Preschool. 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 Nippertime Preschool Limited 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 GBG online disclosures for the processing of DBS checks. Nippertime Preschool Limited uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

#### 2. The right of access

Nippertime Preschool Limited is a company registered in England & Wales. Registration No: 04661688. Registered Office: Flat 11, Fir Tree Court, 301 Limpsfield Road, Warlingham, Surrey, CR6 9RL. At any point an individual can make a request relating to their data and Nippertime Preschool Limited will need to provide a response (within 1 month). Nippertime Preschool Limited can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the Early Years Foundation Stage, (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, Nippertime Preschool Limited has a legal duty to keep children's and parents' details for a reasonable time\*, Nippertime Preschool Limited retain

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these records for 3 years after leaving Preschool, 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 Nippertime Preschool Limited 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**

Nippertime Preschool Limited requires data to be transferred from one IT system to another, such as from Nippertime Preschool Limited to the Local Authority, to shared settings and to Tapestry Online Learning Journal. 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. We do not currently nor have any future plans to carry out these activities.

### **7. The right not to be subject to automated decision-making including profiling**

Automated decisions and profiling are used for marketing-based organisations. Nippertime Preschool Limited 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 cupboard at Nippertime Preschool and at the registered 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.

Nippertime Preschool Limited 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 cupboard and at the Registered Address. These records are shredded after the relevant retention period.

Upon a child leaving Nippertime Preschool Limited 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 Surrey County Council post service or via a secure file transfer system. For children attending school outside Surrey County Council the parent/carer will be

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given the data to deliver to the receiving school.

Nippertime Preschool Limited stores personal data held visually in photographs or media for those parents who have consented on the Registration form. No names are stored with images in photo albums, displays, on the website or on Nippertime Preschool Limited's social media sites.

Access to all Nippertime computers and Tapestry Online Learning Journal 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 Nippertime Preschool Limited 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

This Policy was updated at a meeting at Nippertime Preschool registered address on 29<sup>th</sup> October 2024.

Signed on behalf of Nippertime Preschool Limited

A handwritten signature in black ink, appearing to read "F. Napier".

\*Please see attached Preschool Learning Alliance Retention periods for records.



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### Retention Periods for Records

#### CHILDRENS RECORDS

##### **Children's records - including registers, medication record books and accident record books pertaining to the children**

Requirement - Records should be retained for a reasonable period (for example 3 years) after children have left the provision (Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)).

Recommendation - Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records (Limitation Act 1980/The Statute of Limitations (Amendment) Act 1991. 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 old).

##### **Records of any reportable death, injury, disease, or dangerous occurrence**

Requirement - 3 years after the date on which it happened (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163).

#### PERSONNEL RECORDS

##### **Personnel files and training records (including disciplinary records and working time records)**

Recommendation - 6 years after employment ceases (Chartered Institute of Personnel).

##### **Application forms and interview notes (for unsuccessful candidates)**

Recommendation - 6 months to 1 year (Chartered Institute of Personnel) DBS.

##### **Check/Disclosure information**

Requirement - basic information may be retained and the Disclosures should be securely destroyed in line with the DBS Code of Practice: the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure, the details of the recruitment decision taken.

##### **Wage/salary records (including overtime, bonuses, and expenses)**

Requirement- 6 years (Taxes Management Act 1970).

##### **Statutory Maternity Pay (SMP) records**

Requirement - 3 years after the end of the tax year in which the maternity period ends (The Statutory Maternity Pay (General) Regulations).

##### **1986 Statutory Sick Pay (SSP) records**

Requirement - 3 years after the end of the tax year to which they relate (The Statutory Sick Pay (General) Regulations 1982).

##### **Income tax and National Insurance returns/records**

Requirement - At least 3 years after the end of the tax year to which they relate (The Income Tax (Employments) Regulations 1993).

##### **Redundancy details, calculations of payments, refunds, notification to the Secretary of State**

Recommendation - 6 years from the date of redundancy (Chartered Institute of Personnel).

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### HEALTH AND SAFETY RECORDS

#### **Staff accident records (for organisations with 10 or more employees)**

Requirement - 3 years after the date of the last entry (there are separate rules for the recording of accidents involving hazardous substances) (Social Security (Claims and Payments) Regulations 1979 (SI 1979/628)).

#### **Records of any reportable death, injury, disease, or dangerous occurrence**

Requirement - 3 years after the date on which it happened (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163)).

#### **Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)1999**

Requirement - 40 years from the date of the last entry (The Control of Substances Hazardous to Health Regulations 1999 (COSHH) (SI 1999/437)).

#### **Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees**

Recommendation - Permanently (Chartered Institute of Personnel).

### FINANCIAL RECORDS

#### **Accounting records**

Requirement - 3 years for private companies, 6 years for public limited companies 6 years for charities (Section 221 of the Companies Act 1985 Charities Act 1993. More detailed information on retention of financial records is provided in Finance in Early Years Settings (Ref: A078) Pre-school Learning Alliance.

### ADMINISTRATION RECORDS

#### **Complaints record book**

Requirement - At least 3 years from the date of the last record (Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)).

#### **Insurance liability documents**

Requirement - 40 years from date of issue (The Employers' Liability (Compulsory Insurance) Regulations 1998).

#### **Minutes/minute books**

Recommendation - Permanently (Chartered Institute of Personnel)