



Overton Preschool & Playgroup	
Policies and Procedures Document	

Title	Data Protection Policy
Version	3.1
Date	16 April 2015
Last Review Date	25 February 2020
Approved By	
Signature	

Version History		
------------------------	--	--

Version Number	Created/Updated By	Comment
V1.0		First version created
V1.1	Katie O'Brien	Added Version History;
V2.0	Laura Harrison	Updated for GDPR
V2.1	Katie O'Brien	Updated logo; Text amends
V3.1	Laura Harrison and Davina Hodgkiss	Complete update to comply with all relevant legislation



Aim

The aim of this policy is to ensure that parents understand their right to see information held about their child, and to ensure that parents understand what information is kept and who may have access to it.

Overton Preschool Playgroup (“the Charity”) is a registered charity (No. 1075540) and a data controller registered with the UK’s Information Commissioner’s Office (No. ZA088311).

Reference to data legislation herein includes the General Data Protection Regulations (GDPR), the Privacy and Electronic Communications Regulators (PECR) and the Data Protection Act 2018. It may also refer to other relevant legislation as may be in force from time to time. This policy applies to all personal data processed by the Charity.

This policy shall be reviewed at least annually or earlier in the event of substantial changes to relevant legislation.

What data do we collect?

Where we refer to data or personal information herein, we mean any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person.

The data we collect includes but is not limited to names, dates of birth, family and lifestyle circumstances, GP details, financial information and addresses. It may also include examples of handwriting and image/voice records.

The Charity may also process special category data relating to health, ethnicity, religious beliefs and trade union membership. Explicit permission is usually required for processing special category data. In the absence of such permission, notice is hereby given that we rely on the safeguarding and insurance provisions at Schedule 1, Part 2 of the Data Protection Act 2018.

How do we collect the data?

We may collect data from individuals directly, or be passed information by third parties who have lawful reasons for the sharing the same with us. Typically, we collect data from information offered in email commissions, admission requests and application forms.

How we handle data

We are committed to maintaining high standards of protection for the data entrusted to us. We will ensure that data is processed in a manner that reflects the principles described in the relevant legislation and particularly we will ensure that data is:



- a) Processed lawfully, fairly and in a transparent manner;
- b) Collected for specific, explicit and legitimate purposes and not processed in a manner inconsistent with those purposes (save for archiving);
- c) Adequate, relevant and limited to what is necessary;
- d) Accurate and, where necessary, kept up to date;
- e) Kept in a form which permits identification of individuals for no longer than is necessary (except where information may be stored for longer for archiving purposes);
- f) Processed in a manner that ensures appropriate security of the information including protecting the same against unauthorised/unlawful processing and accidental loss, damage or destruction

The Charity has appointed a Data Protection Officer (either the Playgroup Manager and/or Parent Committee Chair) to take responsibility of its ongoing compliance with this notice and with data legislation requirements generally.

The Charity shall maintain its registration with the Information Commissioner's Office for as long as is required and in any event for all the while it processes personal data.

Our obligations when handling data

All data processed by us will only be processed where one or more of the following lawful bases applies:

- **Consent** – where you have freely given consent to us processing your data;
- **Contract** – where processing is necessary for the performance of a contract with you or your in order to take steps at your request prior to entering into a contract;
- **Legal obligation** – where processing is necessary for us to comply with our legal obligations;
- **Vital interests** – where processing is necessary in order to protect the vital interests of an individual whose data we control*
- **Public task** – where processing is necessary for the performance of a task carried out in the public interest or in the exercise of any official authority vested in the Charity;
- **Legitimate interests** – where processing is necessary for the purposes of the Charity's legitimate interests except where such interests are overridden by the interests or fundamental rights and freedoms of the individual to whom the data belongs, in particular where that individual is a child.

* This will include any children who are registered with the Charity. Please note that we rely on vital interests when it is necessary to protect an interest which is essential for the life of an individual and only where processing cannot be manifestly based on another legal basis.

Security and validity of data

We shall ensure that personal data processed at all times is adequate, relevant and limited to what is necessary in relation to the purposes for which it has been collected.



To ensure that personal information is kept for no longer than is necessary, the Charity has agreed archiving rules, which consider what data should/must be retained and for how long and why. There is an annual data audit, carried out by the Chair of the Parent Management Committee with the Playgroup Leader.

The Charity will ensure that personal data is stored securely and using software that is appropriately maintained. Access to personal data is limited to personnel who need access and appropriate security is in place to avoid unauthorised sharing of information.

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Overton Preschool Playgroup shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO (more information at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches>).

When personal data is deleted, this will be done safely and such that the data is irrecoverable. Appropriate back-up and disaster recovery solutions shall be in place.

Rights of individuals

All individuals in relation to whom we hold data have the following rights:

- **Right of access** – the right to ask us for a copy of the information we hold about them;
- **Right to rectification** – the right to ask us to rectify information that may be inaccurate or incomplete;
- **Right to erasure** – the right (in certain circumstances) to ask that we erase or restrict processing of their personal information;
- **Right to restrict processing** – the right to ask us to restrict the processing of information (again, in certain circumstances);
- **Right to data portability** – the right to ask that we transfer information to another organisation/individual (in certain circumstances).

Where the request is reasonable, you may exercise any one of the above rights without cost to you. Where you notify us of your request we will endeavour to respond or take the necessary action within one month.

Rights of children

The majority of the data held by the Charity relates to children. Whilst this data may be provided to us by a child's parent or guardian (or other), it should be remembered that the child retains all rights in relation to their data. Where we rely on consent to process data relating to a child, we will only do so in relation to children over the age of 13 years with *their* consent. We do not use children's personal data to make solely automated decisions about them if such decisions will have a legal or similarly significant effect upon them. If we do use



children's personal data to make automated decisions, we will ensure that one of the exceptions at Article 22(2) of the General Data Protection Regulations applies and that suitable, child appropriate, measures are in place to safeguard the child's right, freedoms and legitimate interests.

Sharing your information

Insofar as one or more of the lawful bases detailed above applies, we may share personal information with others. This includes instances where we may be legally obliged to share information pursuant to our safeguarding obligations or in compliance with a Court Order or for any other regulatory purpose.

This also means we may share information with third parties who provide services to us including financial and professional advisors, suppliers and other service providers. Any information shared in these circumstances will be limited to that which is lawful for the purpose for which we intend to share the information.

We will not share personal information with individuals outside of the European Economic Union, nor will we sell personal data to third parties.

Marketing

We may use the data collected to distribute communications relevant to the activities or the Charity, some which may include marketing information limited to the Charity's concerns only. You may opt out of receiving marketing communications by contacting hello@overtonplaygroup.com at any time. Marketing information may be distributed electronically and by way of paper hand-out/mailings, and will not be intentionally directed to children.

Recruitment

Where you provide information to us for the purposes of recruitment, we will use that only insofar as it relates to our recruitment process or to fulfil our legal/regulatory requirements. In the event that you are unsuccessful in an application to us for employment (or a voluntary secondment) we will retain your information (including any third party referee details/reference) for no more than 6 months after the last incident of lawful processing.

Employee records (including third party referee details/references) will be retained for 6 years from the end of employment.

Please remember that references offered to the Charity by a third party may be exempt from disclosure in the event they were given to us in confidence.

Contacting Us / Complaints



Should you wish to exercise any of your rights listed above or make a complaint in relation to how we handle your data, you should contact our Data Protection Officer (either the Playgroup Manager and/or Parent Committee Chair):

Overton Preschool Playgroup
Overton Community Centre
Winchester Street
Overton
RG25 3HS

You may also contact the Information Commissioner's Office if you are unhappy with how we have used your data:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Helpline: 0303 123 1113