



Peter's Patch
Forest School - Day Care - After School Club

Retention - Safe Storage of Children's Records - Data Protection

Executive statement

At Peter's Patch we believe privacy is important. We are committed to complying with our data protection obligations and to being concise, clear and transparent about how we obtain and use personal information and how (and when) we delete that information once it is no longer required.

We will review and update our Data Protection policy regularly in accordance with our data protection obligations.

Scope

Peter's Patch complies with the law that all early years' groups collecting and storing information relating to individuals must comply with The General Data Protection Regulation (GDPR) which imposes obligations on our setting as a data controller in relation to the protection, use, retention and disposal of personal information. This policy sets out the procedures that are to be followed when dealing with personal information and applies to all personal information processed by or on behalf of Peter's Patch.



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Purpose of policy

In order to work effectively, Peter's Patch needs to gather and process relevant information about the staff, parents, children and professionals along with others involved in the day to day running of the nursery. This will be done in accordance with the principles specified further in the document.

By adhering to this policy Peter's Patch will ensure that the data is handled properly and confidently at all times, this applies to data held on paper and computer. Peter's Patch recognises it's responsibly to ensure that all persons acting on behalf of the group are made aware of this policy and reserve any necessary training.

Peter's Patch will comply with:

The terms of the 2018 data protection Act and subsequent relevant legislation.



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Data Protection Principles

These principles require that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for specific and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant, lawful and not excessive for those purposes.
- Be accurate and kept up to date.
- Not be kept longer than is necessary for that purpose.
- Be processed in accordance with the data subject's right.
- Be kept secure from unauthorised access, accidental loss or destruction.
- Not be transferred to a country outside the European economic area, unless that country has adequate levels of protection of personal data.
- Third Party services



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Peter's Patch Day Nursery will review this annually to ensure that:

- Data is collected fairly
- Data is adequate, relevant and not excessive
- Data is accurate and up to date
- Data is stored securely
- Data is only retained as long as necessary
- New staff / parents are made aware of this policy

This Policy Covers:

- Data collection
- Data storage / security
- Data updates
- Data disclosures
- Data access
- Data retention & Disposal
- Data Breach
- Third Party services



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Data Collection

- Only relevant personal data will be collected. The person from whom it is collected will be informed of its uses and any personal disclosures that may be made.
- The Nursery will follow systems to facilitate updating information held.

Data Storage / Security

- Manual data will be stored in a secure place only accessible to those with legitimate reason to use it.
- Electronic data held on computer in office secured with a password.
- Any sensitive personal data will be recorded and access will be strictly limited.

Data Updates

- Parents are encouraged to ensure staff are informed of changes of data in order to ensure data is up to date and accurate.
- Data will be updated promptly on receipt of information and the appropriate people informed if necessary.



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Data disclosure

- The consent of the family will be obtained before the group discloses personal information to any organisation or individual.
- All requests for disclosure will be in writing and telephone enquiries advised accordingly.
- In cases of Child Protection, the law requires the disclosure of information, without consent, to relevant social services personnel and P.S.N.I. officers.
- If a request for information relating to child protection is received by telephone, steps will be taken to ensure that information remains confidential. It is advisable only to disclose information only to those involved in Child Protection.
- Requests made from parents for printed names and addresses will be politely refused.
- Personal data and images will not be used in newsletters, My Nursery Pal, social media etc without the consent of the parent / carer.
- A record will be kept of any data disclosed so that the recipient can be informed should data be updated/ altered at a later date.



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Data Access

- Families have the right to access any personal data held about them.
- Any person wishing to access this must put their request in writing to management who will make the information available as soon as possible within the 40 day period recommended by Data Protection Agency.
- Any delays in this will be put in writing to the family making the request.

Data Retention and Disposal

- Management will review personal data regularly and delete information which is no longer required. The longer personal information is retained, the likelihood is accidental disclosure, loss, theft and/or information growing stale.
- Management will not delete information relating to accidents on the premises or Child Protection issues until the statutory period has expired.



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Data Breach

A breach is any (potential) unintended loss of control over or loss of personal information within our settings environment. Preventing a data breach is the responsibility of Peter's Patch and our staff.

Third-Party Services

Peter's Patch may decide to contract with a third party for the collection, storage or processing of data, including personal information to the Health and Social Care Trust and Education Authority.

Lawful, Fair and Transparent Processing

Peter's Patch always ensure that our processing is generally lawful, fair and transparent and complies with all the other principles and requirements of the GDPR.

Information is processed on the following;

Consent:

The individual has given their express agreement to the processing of their personal information for one or more specific purposes;
Parental consent will be obtained for any child aged under 12 years of age.



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Contractual:

The processing is necessary for the performance of a contract to which the individual is party or in order to take steps at the request of the individual prior to entering a contract.

Legal Obligation:

The processing is necessary for compliance with a legal obligation to which Peter's Patch is subject.

Vital Interests:

The processing is necessary for the protection of the vital interests of the individual or another natural person.

Public interest:

The processing is necessary for the protection of the vital interests of the individual or another person.



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Legitimate Interests:

The processing is necessary for the purposes of legitimate interests of Peter's Patch or a third party, except where those interests are overridden by the interests of fundamental rights and freedoms of the individual, in particular where the individual is a child and where the processing is based on consent, satisfy ourselves that processing is necessary for the purpose of the relevant lawful basis (i.e. that there is no other reasonable way to achieve purpose and document our decision as to which lawful basis applies to help demonstrate our compliance with the Data Protection principles.

Rights of the individual:

The GDPR states that individuals have the following rights in respect of processing activities through its policy and privacy notice.

The right to be Informed

There is a need for people to exercise their right to the protection of personal data. Therefore, the General Data Protection Regulation (GDPR) gives individuals a right to be informed about the collection and use of their personal data, which leads to a variety of information obligations by the controller.



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The Right of Access

The right of access plays a central role in the General Data Protection Regulation (GDPR). On the one hand, because only the right of access allows the data subject to exercise further rights (such as rectification and erasure). On the other hand, because an omitted or incomplete disclosure is subject to fines.

The Rights to Rectification:

Individuals have the right to have inaccurate personal data rectified. An individual may also be able to have incomplete personal data completed – although this will depend on the purposes for the processing. This may involve providing a supplementary statement to the incomplete data.

The Right to Erasure:

The right to erasure is a right to request that your personal data is deleted. It is also known as (the right to be forgotten).

The Right to Restrict Processing:

The right to restrict processing is one of eight rights enforced by the EU General Data Protection Regulation (GDPR). Upon request Peter's Patch must stop using an individual's personal data, although it can continue storing it.



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The Right to Data Portability:

The right to data portability is one of eight rights enforced by the EU General Data Protection Regulation (GDPR). It allows data subjects to obtain data that a data controller holds on them and to reuse it for their own purposes. Individuals are free to either store the data for personal use or to transmit it to another data controller.

The Right to Object:

The GDPR gives individuals the right to object to the processing of their personal data at any time. This effectively allows individuals to stop or prevent us from processing their personal data. An objection may be in relation to all of the personal data we hold about an individual or only to certain information.

Rights in relation to automated decision making and profiling:

In relation to automated decision making our rights including profiling (we have the right to not be subject to a decision based solely on automated processing. Processing is "automated" where it is carried out without human intervention and where it produces legal effects or significantly affects you.



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Data Protection officer:

A data protection officer (DPO) is a position within a corporation that acts as an independent advocate for the proper care and use of customer's information. In Peter's patch our Management team and staff are responsible for this.

Privacy by Design:

Data protection by design and default is nothing new. Essentially, it's the GDPR's version of 'privacy by design'. But while privacy by design was good practice under the Data Protection Act 2018, data protection by design and by default are legal requirements under the GDPR.

Complaints:

Peter's Patch have the right to lodge a complaint with the Commissioner regarding the processing of personal data.

Establishing Facts

It is the Commissioner's task to handle such complaints and the subject matter of complaints must be investigated to the extent appropriate. The Commissioner has a range of investigative powers that can be used to handle complaints and will decide on the most appropriate manner in which to investigate the complaint.



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This can depend on the extent to which, among other things, the complaint raises a matter of substance, the damage that is likely to be caused to an individual(s), any undue delay in making the complaint, and whether the complainant has exercised, or tried to exercise, their rights already.

Depending on the nature of the complaint, the Commissioner will generally request the co-operation of the controller in investigating the complaint in the first instance before exercising other powers.

Progress and Outcome of Complaint

The Commissioner will consider all the evidence and information provided by the complainant, the controller, processor and any obtained, or observations made, through other means to decide whether any infringement has occurred. Information obtained by the Commissioner in the exercise of tasks is confidential.

Having taken into account any infringements of the Data Protection law, the Commissioner will use the corrective powers considered necessary in the circumstances.



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The Commissioner must inform the complainant of the progress or the outcome of the investigation into the complaint within a 'reasonable period', generally within three months, in particular if further investigation or coordination with a supervisory authority outside the Island is required.

The outcome, including any corrective action, will be communicated to the complainant and the controller or processor.

Remedies of the Individual

If the Commissioner does not handle the complaint or inform the individual about the progress or outcome of the complaint within three months, the individual can make an application to the Data Protection Tribunal for an order to progress the complaint.

The Data Protection Tribunal cannot change the outcome of the complaint, but may consider whether the Commissioner took appropriate steps to investigate the complaint.

An individual may, at any time, apply directly to court for a compliance order against the controller if they believe that the controller has infringed the data protection legislation.



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The Commissioner cannot award compensation; however, individuals have the right to seek compensation for damage from the controller through the court.

Special category data is:

- Personal data revealing racial or ethnic origin;
- Personal data revealing political opinions;
- Personal data revealing religious or philosophical beliefs;
- Personal data revealing trade union membership;
- Genetic data;
- Biometric data (where used for identification purposes);
- Data concerning health;
- Data concerning a person's sex life; and
- Data concerning a person's sexual orientation.

Special category data includes personal data revealing or concerning the above types of data. Therefore, if we have inferred or guessed details about someone which fall into one of the above categories, this data may count as special category data.



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It depends on how certain that inference is, and whether you are deliberately drawing that inference.

Where special category data is processed we will identify a lawful special condition for processing that information and document it.

We will keep records of special category data, including documenting the categories of data.

We also consider how the risks associated with special category data affect other obligations – in particular, obligations around data minimisation, security, transparency, DPOs and rights related to automated decision-making.

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