

Fullbrook Nursery School

West Bromwich Road

WS5 4NN

(01922 721066)

Data Protection Officer: D Bradley, EYFS Lead Teacher (SMT).

DATA PROTECTION and Confidentiality POLICY

This policy has been updated in accordance to the General Data Protection Regulations (March 2018), the enhancements to policy and new elements offer improved transparency and individual rights.

1. General Statement of the School's Duties

Fullbrook Nursery School is required to process relevant personal data regarding staff, pupils, their parents and guardians. We shall take all reasonable steps to so in accordance with this policy and GDPR (2018), it will be done;

- ❖ **Lawfully** so that all processing has a legitimate purpose,
- ❖ **Fairly** so that we take responsibility for the data we hold and process and will not use the information outside of the legitimate purposes,
- ❖ **Transparently** parents will be informed clearly about how their families data will be stored, processed, used and kept for. Emphasis will be placed on ensuring that parents understand what they are consenting to and that they can withdraw consent at any time. Parents will have access to information regarding how a complainant regarding a data breach can be made.

2. Lawful Purpose of Collecting Data

The ***purpose of collecting personal data*** is to:

- Enable children to access their free childcare entitlement
- Support your child's learning and development
- Monitor and report on their progress including attendance, attainment and wellbeing.
- Ensure that children are safeguarded
- Assess the quality of our services

This information is ***lawfully and fairly*** gathered ***through consent*** as parents complete application forms on induction to nursery. They ***are explicitly asked to consent*** to the information they are providing on the application forms to be held, used and in some legitimate cases shared with other educational/health services. Due to the age of our children, they are not able to give consent for their personal data to be shared so we ask parents to do so for them.

3. The Data Controller and the Designated Data Controllers

The school as a corporate body is the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Protection Officer will deal with day to day matters.

The schools Designated Data Protection Officer is the Head teacher, Mrs A Flinders, supported by the administration team. They will seek guidance and support from the Local Authority E-Safety team. Contact details for the Data Protection Officer are through the school office Tel: 01922 721066.

4. Personal Data

Definitions of personal data are highly complex, and it is difficult to define categorically. However, broadly speaking and in day-to-day use, 'personal data' is information which relates to a living, identifiable individual.

In the context of this document and the school's requirement to process 'personal data' as part of its duty of care and to educate its pupils, 'personal data' may include:

- Name, date of birth, gender, ethnicity, religion and languages spoken,
- Address, all contact telephone numbers,
- Proof of child's identity (birth certificate/passport)
- Children medical history, involvement of other children's services or court orders.
- Staff DBS numbers
- Staff financial information

5. Processing Personal Data

If it is necessary for the school to process certain personal data to fulfil its obligations to pupils and their parents or guardians then consent is not required. However, any information which falls under the definition of personal data, and is not otherwise exempt (see part 9), will remain confidential. Data will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

- school admission and attendance registers;
- pupil's curricular records;
- reports to parents on the achievements of their children;
- staff records, including payroll records;
- personal information for teaching purposes;
- records of contractors and suppliers.

Personal data we ask consent to share with others

We ask parents to consent to sharing the following information with their ***child's next school*** and the ***Local authority***;

- Unique Personal Reference Number
- Personal and Parents details
- Assessment and attendance data
- SEN information
- Photographic Learning Journeys and other evidence of learning development

Sharing data with third parties

We use two third parties to provide two services for use which operate outside of the Local authority;
2 Simple Observation and Assessment tool which requires children's names only
Teacher to Parent communication tool which requires children's name and mobile telephone numbers.

Parents consent to us using their child's data with these companies. The Data Protection Officer has taken measures to assure that these companies operate under GDPR.

Currently, Nursery data is not requested to be shared with the Department for Education. We will only share pupil level personal data with other parties if legislation allows us to do so, in compliance with GDPR (2018), or if we ask parents explicitly to sign for consent, such as:

- Speech and Language Therapy Request form,
- Educational Health and Care Plan Requests
- Health visits such as dental inspection, eye test etc.

As part of management functions staffs' personal and financial details are shared with the local authority in terms of Human Resource and Payroll.

6. Sensitive Personal Data

'Sensitive data' may include:

- ethnic or racial origin
- religious beliefs
- membership of a trade union
- physical, mental health or medical condition
- offence or alleged offence
- proceedings or court sentence

Consent to process some of this data is during induction or recruitment. Further processes of this data would require further consent being sort.

7. Retaining your personal data

Personal data for staff, parents and children is held for different lengths of time depending on which data category it falls into. We have rigorously justified how long we keep personal information for. A full break down of justifications for each data area is available in Appendix B.

8. Rights of Access

By consenting to share personal data, they continue to have the right to;

- Request a copy of their data
- Making changes to incorrect data held
- Withdrawn consent
- Make a complaint if they believe that Fullbrook has not acted in line with our policies and GDPR.

If staff or parents want to receive a copy of information held about their child they should contact the Data Protection Officer, D Bradley, Lead Teacher, via the School Office to request a Subject Access form and procedures. All information regarding rights of access will be made available on the schools website, www.fullbrook.walsall.sch.uk.

Freedom of Information Requests

Individuals or companies have a right of access to information held by the school. Any request for data should be made in writing to the Data Protection Officer. The school will respond to any such written requests within 20 days.

Parents and guardians do have right of access to their child's educational record. They should make the request in writing to the school.

It is important to note that certain data is exempt from the right of access under GDPR. This can include:

- information which identifies other individuals;
- information which the school reasonably believes is likely to cause damage or distress;
- information which is subject to legal professional privilege;

9. Data Rights

Under GDPR the rights to the data belong to the individual to whom the data relates. However, due to the pupil's age and understanding the school will rely on parental consent to process data relating to pupils.

10. Exemptions

Certain data is exempted from the provisions of GDPR:

- The prevention or detection of crime;
- The assessment of any tax or duty;

- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the school.

11. Disclosure of Information

The school confirms that it will not generally disclose information about individuals, unless the individual has given their consent or the request falls under one of the specific exemptions under GDPR.

When the school receives a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure.

12. Accuracy

In accordance with GDPR 2018, it is school policy to ensure that any personal data held about an individual is accurate. Conversely, the school will seek to encourage all parents and staff to notify the Data Protection Officer of any changes to information held about them (change of address, change of marital status etc). The school recognises the individual right to request that inaccurate information about them is erased or corrected.

13. Security

Where it is reasonably practicable, the school will take steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under GDPR. The school will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons. Any breaches in Data security or processing policy will be reported to the Data Protection Officer, who will seek the support of the Local Authority Data Controller.

14. Enforcement

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with GDPR, they should make a complaint to the Data Protection Officer, the complaints procedure is made available on the school website.

Approved by Fullbrook Nursery School Governing Body:

Signed:

Date:

Signed:

Date:

Revised September 2019

Next Review March 2021

Table for identifying personal information to support the initial data map

	Do we receive personal data?	Do we create personal data?	Do we send personal data?	Do we destroy personal data?
Admissions				
Core management information system <ul style="list-style-type: none"> • SIMMS 				
Curriculum tools <ul style="list-style-type: none"> • Assessment Little Sids • 2Simple Observation 				
Financial systems <ul style="list-style-type: none"> • Cash receipts • Childcare vouchers 				
Safeguarding <ul style="list-style-type: none"> • Children's services • First Aid 				
Trips				
Contact/communication systems <ul style="list-style-type: none"> • Teacher to Parents 				
Social care and health interactions				
Statutory returns	?			
Transitions information <ul style="list-style-type: none"> • UPRN • Pupil Information folder • Assessment Profile • Transition report 				
Workforce systems <ul style="list-style-type: none"> • Pay roll • Staff HR files 				
Other				