



DATA PROTECTION AND CONFIDENTIALITY POLICY

Ivy League Nursery is registered under the Data Protection Act and is required to keep certain information about staff, parents and children. It is also necessary to process information as a condition for employment of staff. Ivy League Nursery must comply with the principles set out in the Data Protection Act 1998 and amended in 2002.

Ivy League Nursery has a strict code of conduct regarding confidentiality. We aim to make sure that parents/carers, staff and children can share information whilst respecting the privacy of staff, children and their parents/carers. It is the policy of the Nursery that confidential information is shared strictly on a 'need to know' basis and that the welfare of the child concerned will always be paramount.

At Ivy League Nursery we comply with the 8 principles of the Data Protection Act. We ensure that personal data is:

1. Obtained and processed fairly and lawfully and will not be processed unless certain conditions are met.
2. Obtained for specified and lawful purpose and will not be processed in any manner incompatible with that purpose
3. Adequate, relevant and not excessive
4. Accurate and kept up to date
5. Not kept for longer than is necessary for that purpose
6. Processed in accordance with the data subject's rights
7. Kept safe from unauthorised access, accidental loss or destruction
8. Not transferred to any other country without adequate protection in situ

Status of the Policy

Any member of staff or any individual on whom Ivy League Nursery holds information, who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with the Nursery Manager initially. If the matter is not resolved it should be raised as a formal grievance.

Notification of Data Held and Processed

All staff or and any individual on whom Ivy League Nursery holds information is entitled to:

- Know what information the Nursery holds and processes about them and why
- Know how to gain access to it
- Know how to keep the information up to date
- Know what the nursery is doing to comply with its obligations under the Data Protection Act

Responsibilities of Staff

As an individual you are responsible for:



- Checking that any information you provide to Ivy League Nursery in connection with your employment is accurate and up to date
- Informing Ivy League Nursery of any changes to information which you have provided, e.g. changes of address
- Checking the information that Ivy League Nursery will send out from time to time, e.g. the yearly personal details update Ivy League Nursery
- Informing Ivy League Nursery of any errors or changes

Ivy League Nursery cannot be held responsible for any errors unless you have informed the Nursery of them. If, and when, as part of your responsibilities, you collect information about other people (opinions on reports, references, details of personal circumstances) you should follow the guidelines set out above.

Data Security

As an individual you are responsible for ensuring that:

- Any personal data that you hold is kept securely
- Personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party

Personal information should be:

- Kept in a locked filing cabinet, or in a locked drawer, or If it is computerised, be password protected

Rights to Access Information

Staff or any individual on whom the Nursery holds information have the right to access any personal data that is being kept about them either on computer or in certain files. Anyone who wishes to exercise this right should report this to the Nursery Manager. This request should be made in writing.

Ivy League Nursery aims to provide access to personal information as quickly as possible, but will make sure that it is provided within 21 working days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing to the person making the request.

Subject Consent

Ivy League Nursery can only process personal data with the consent of the individual.

Agreement to Ivy League Nursery processing certain types of personal data is a condition of employment for staff. This includes information about previous criminal convictions.

All members of staff and volunteers who come into contact with children will be subject to CRB checks. Ivy League Nursery has a duty under the Children Act and other enactments to ensure that staff are suitable for the job. We also have a duty of care to all staff and must, therefore, make sure that employees and those who use Ivy League Nursery facilities do not pose a threat or danger to other users.



Ivy League Nursery will also ask for information about particular health needs, such as allergies to particular forms of food or medication and any conditions such as asthma or diabetes. We will only use the information in the protection of the health and safety of the individual.

Processing Sensitive Information

When data is sensitive, express consent must be obtained to share the information with other specified individuals. Sometimes it is necessary to process information about a person's health, criminal convictions, race, ethnicity, gender and family details in order to ensure Ivy League Nursery is a safe place for everyone.

Retention of Data

The below table details the statutory period records should be retained. However, at Ivy League Nursery **all files will be kept for a minimum of 6 years to cover the time limit for bringing any civil legal action including national minimum wage claims and contractual claims.**

This will include information necessary in respect of pensions, taxation and information required for job references.

At the end of the statutory period information should be disposed of with printed information being shredded. Any disks containing information will be physically destroyed and all computer information will be deleted permanently. Failure to dispose of information is a breach of the data protection.

Type of record statutory retention period

- Workplace accidents - Three years after date of last entry. There are specific rules on recording incidents involving hazardous substances.
- Payroll -
 - Three years after the end of the tax year they relate to Statutory maternity, adoption and paternity pay
 - Three years after the end of the tax year they relate to statutory sick pay
 - Three years after the end of the tax year they relate to Working time Two years from date on which they were made
 - National minimum wage Three years after the end of the pay reference period following the one that the records cover
- Retirement benefits schemes - notifiable
- events, e.g. relating to incapacity Six years from the end of the scheme year in which the event took place

Type of record recommended retention period

Application forms/interview notes for unsuccessful candidates - One year

Health and safety consultations - Permanently

Parental leave - Five years from birth/adoption or until child is 18 if disabled

Disciplinary, working time and training - Six years after employment ceases



Redundancy details - Six years from date of redundancy

Information on senior executives - Permanently for historical purposes

Minutes of trustee/work council meetings permanently

Documents proving the right to work in the UK - Two years after employment ceases

Conclusion

It is the legal responsibility of all members of Ivy League Nursery to ensure that they fulfil their role at the nursery within the terms of this policy and the legal framework for data protection. This policy lays out Ivy League Nursery's obligations to you under the legal framework for data protection and your obligations to Ivy League Nursery.

- All staff are required to abide by Kelton Nursery's Data protection Policy
- A failure to follow any of the guidelines in relation to the collection, keeping,
- Processing or destruction of any personal data, whether regarding another staff member, student or other third party, and whether deliberate or accidental, will be regarded as potential misconduct, and may result in disciplinary proceedings being brought.
- Deliberate or negligent misuse of data, whether by unlawful disclosure or otherwise, may be considered gross misconduct and may result in summary dismissal in the most serious cases
- Breach of the Data Protection Act can also result in criminal prosecution. For example, the organisation may face a claim for compensation from individuals who have suffered damage and distress or have a financial penalty imposed by the Information Commissioner. The person found guilty is liable, if the case is heard by magistrate, to a fine not exceeding £5,000, or on conviction in the Crown Court to an unlimited fine.

This policy was adopted on: _____

Date to be Reviewed: _____

Signed on behalf of Ivy League Nursery: _____

Name of Signatory: _____

Role of Signatory: _____