General Data Protection Regulation (GDPR) Policy

1. Policy Statement

The General Data Protection Regulation (GDPR) came into effect on **25th May 2018**, replacing previous Data Protection regulations. GDPR requires that personal data is:

- **Processed fairly and lawfully**
- **Collected for specified, explicit, and legitimate purposes**
- **Processed with the individual's knowledge and explicit consent**

It applies to all personal data relating to individuals.

The Orchard Nursery is committed to protecting the rights and freedoms of individuals in relation to the processing of children's, parents', visitors', and staff's personal data.

The **Data Protection Act** gives individuals the right to know what information is held about them and ensures that personal data is handled appropriately.

Registration: The Orchard Nursery is registered with the **Information Commissioner's Office (ICO)**. Certificates are displayed in the main entrance.

- **Data Protection Coordinator:** Carol Bailey
- **Data Protection Controller:** Plymouth CAST

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2. GDPR Rights for Individuals

2.1 The Right to Be Informed

The Orchard Nursery, as a registered childcare provider with Ofsted, must collect and manage certain personal data, including but not limited to:

- **Parents:** Names, addresses, telephone numbers, email addresses, date of birth, National Insurance numbers.
- **Children:** Full names, addresses, date of birth, birth certificate numbers.
- **Visitors:** Names and company names (for health, safety, and safeguarding purposes).
- **Staff:** Names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID, bank details, and eligibility-to-work documentation.

This data may be securely shared with:

- **Bournemouth Early Years** (for funding entitlement claims).
- **Devon County Council** (for DBS checks).
- **eyManage/eyLog** (for registration and online learning journals).

2.2 The Right of Access

- Individuals can request access to their data at any time.
- The Orchard Nursery and Plymouth CAST will respond within **1 month**.
- Requests may be refused only when there is a lawful obligation to retain the data (e.g., EYFS requirements), with written reasons provided.
- Individuals have the right to escalate concerns to the ICO.

2.3 The Right to Erasure

- Individuals can request deletion of their data when there is no lawful reason for its continued use.
- Some data must be retained for statutory periods (see Retention Period Sheet).

2.4 The Right to Restrict Processing

- Data may be stored but not processed for purposes such as reporting or communication if the individual objects.

2.5 The Right to Data Portability

- Data may be securely transferred to other organisations (e.g., local authority, eyLog) using secure transfer systems.

2.6 The Right to Object

- Individuals can object to their data being used for certain purposes, such as marketing or research.
- Consent for activities such as photography is obtained upon enrolment.

2.7 Rights Related to Automated Decision-Making and Profiling

- The Orchard Nursery does not use personal data for automated decision-making or profiling.

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3. Storage and Use of Personal Information

- Paper records are kept in a **locked office** in **lockable filing cabinets**.
- Staff access to children's electronic data (eyLog) is secured by **individual passwords**.
- Paper records are shredded after the statutory retention period.
- Examples of documents containing personal information include registers, medication forms, referrals, and incident reports.
- Waiting list records are shredded if the child does not attend.
- Information relating to agency involvement is stored securely, either in paper or electronic format.
- **Security measures include:**

    - Active Windows security lock when devices are unattended.
    - Confidential documents tidied away when not in use.
    - Clear desk policy at the end of each working day.
    - Lockable cabinet for work in progress overnight.
- Data transfer to new schools/settings is hand-delivered or sent recorded delivery.
- Child protection records are retained until the child reaches 24 years, with a transfer confirmation letter obtained from the receiving school.
- Photography and video consent is obtained for nursery use, website, social media, and learning journals.
- All computers, storage devices, and online systems are password-protected.
- Portable data storage devices are password-protected and stored securely.
- Only necessary personal information is stored, in line with ICO retention guidelines.

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4. Retention of Records

Retention periods are detailed in the **GDPR Retention Sheet** and follow statutory and ICO guidance. Once the period expires, records are securely shredded.

Signed on behalf of the nursery.....Emma Middleton.....Date:… August 2026