

## **Record Keeping**

### **5.3 Data Protection Policy**

#### **Statement for St Joseph's Out of School Club**

St Joseph's Out of School Club collects data on the users of the setting - both parents/guardians and children, employees of the setting and service providers to the setting. These are collected for the management of and communication within St Joseph's Out of School Club. This policy statement is supported by further policies: Children's Records, Provider Records, Transfer of Records, Retention Periods for Records and the Out of School Club's Data Privacy Notice.

St Joseph's Out of School Club are a data Controller for your and your child's personal data under the applicable Data Protection Laws, including the General Data Protection Regulation (GDPR) EU 2018. To this end we nominate and train a Data Protection Officer (DPO) for St Joseph's Out of School Club to ensure GDPR is met and to deal with any breaches.

#### **Aim**

The aim of this policy is to ensure that all parents and carers are aware of how we keep their information and the circumstances in which we would share their information. A copy of our Data Privacy Notice is included within our Enrolment Pack and is available on the Out of School Club page within St Joseph's Catholic Primary School's website<sup>1</sup>.

We ensure that the data we hold is accurate, as up to date as possible and not excessive. We only collect data that we are required to in line with the Childcare Acts 2006 and 2016, and set out in the Early Years Foundation Stage (EYFS) framework, which is mandatory for all early years providers in England.

The principles of the GDPR which supersede the Data Protection Act 1998, shall be applied to all data processed:

- processed fairly, lawfully and in a transparent manner in relation to individuals;
- obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes;
- accurate and, where necessary, kept up to date;
- adequate, relevant and not excessive in relation to the purposes for which it is processed;
- not kept longer than is necessary for those purposes<sup>2</sup>
- protected by appropriate technical and organizational measures against unauthorized or unlawful processing and against accidental loss, destruction or damage; and
- not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information.

#### **Procedures**

St Joseph's Out of School Club will collect only the personal information we need to perform our functions. We will use the information to provide appropriate care for the children at our setting, to communicate with parents/guardian, to employ appropriate members of staff, ensure satisfactory running of the services we provide. We collect the following data:

---

<sup>1</sup> [www.st-josephs-nympsfield.com](http://www.st-josephs-nympsfield.com)

<sup>2</sup> See policy 5.5 Retention Periods for Records

*Child:* We will collect each child's details including name, address, date of birth, gender, first language, funding information. We also collect sensitive data including religion, health and personal care issues.

Each child has a development record which is kept securely on Tapestry – an online learning journal. Parents are required to sign a consent form for information to be kept on Tapestry, before a child's Tapestry record is commenced. If a parent declines consent then their child's learning journey will be collated and maintained manually (ie. in paper format).

The online version can be accessed and contributed to by staff, and the child's parents and any other carer or relative that has been authorized access by both the child's parents and the Out of School Club.

If a paper version is being used then this can be accessed at any time by the child's parents or whoever has parental responsibility, through request via their child's Key Person or the Play Leader.

*Parents/carers:* For the parents/carers of the child we collect details including name, address, relationship with the child, telephone numbers and email addresses. We also retain parent declaration forms with regards to the free funding for 3 and 4 year olds and eligibility for the extended funding entitlement.

The above data is kept in the Child's individual file which is kept securely under lock and key. Access is only by the Play Leader or under her direction. Our enrolment pack has been amended to comply with GDPR and requires parents to give consent for us to hold and process their and their child's data.

*Staff:* For staff we collect details including name, address, date of birth, NI numbers, education and work experience, qualifications and references, telephone numbers and email addresses.

All staff personnel files are kept in a secure location and are only accessible by the Committee Chairperson. All staff have a copy of our Staff Privacy Notice. It is included in their induction pack.

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved in making personnel decisions.

Students, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it. Students need to obtain written consent from the parents of any children they wish to observe in the setting.

*Service providers:* For service providers we collect details including name, address, telephone numbers, email addresses, website URLs, service details including stock/pricing/terms of business. Copies of their Privacy Notice is kept for reference.

### **Information sharing**

There are times when we are required to share information about a child or their family. These are when:

- there are concerns a child may be suffering significant harm;
- the 'reasonable cause to believe' a child is or may be suffering significant harm is not clear; and/or
- there are concerns about 'serious harm to adults' (such as domestic violence or other matters concerning the welfare of parents).

In these circumstances, we will explain to families about our duty to share information for the above reasons.

Where we have concerns as above, we would normally gain consent from families to share. This does not have to be done in writing, but we record it in the child's file that we have gained the verbal consent as a result of discussing a concern that we need to refer to a social care agency.

We do not seek consent from parents/carers to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example, where we believe that a parent may try to cover up abuse, or threaten a child. Where evidence to support our concerns is not clear we may seek advice from Gloucestershire Early Years Team.

We only share relevant information that is accurate, factual, non-judgemental and up to date. The intention to share data relating to individuals to an organization outside of the setting shall be clearly defined within notifications (verbal and/or written) and details of the basis for the sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

The decision to share information will always be made with the agreement and consent of 2 Out of School Club Committee Members.

Any proposed change to the processing of individual's data shall first be notified to them.

*Consent to gather and to use information:* Should St Joseph's Out of School Club wish to gather data or use the data held on an individual, explicit consent will be sought in advance and fair notification of the proposed use shall be given. If at any time those whose data we hold wish to remove any consents previously given then they should contact the DPO to request this change of consent.

#### **Data Access Requests (Subject Access Request)**

All individuals whose data is held by us, have a legal right to request access to such data or supplementary information held. The right of access allows individuals to be aware of and to verify the lawfulness of the processing.

Parents can have access to all written information about their child (except where data protection laws stipulate it is against the best interests of the child to do so), if a written request from the parent is received by the Committee Chairperson. St Joseph's Out of School Club will respond to the request within 30 days from the initial date of the request even if this was via telephone or in person. We will provide the information free of charge and in paper format. However, we reserve the right to charge a 'reasonable fee'<sup>3</sup> when a request is manifestly unfounded or excessive, particularly if it repetitive. Please see Policy 5.5 'Data Subject Access Requests' which details how we deal with a request and your rights.

Parents do not have access to information about any other child than their own.

Employees are allowed to have access to their personal data, except references which have been supplied in confidence, about them held on manual or computer records. A data request must be made in writing to the relevant line manager. St Joseph's Out of School Club will respond within 30 days from the initial date of the request even if this was via telephone or in person.

---

<sup>3</sup> Based on administrative costs for providing the information

### **Fair Processing/Data Privacy Notice**

St Joseph's Out of School Club's Data Privacy Notice has been written in accordance with the Information Commissioner's Office (ICO) guidance and, due to the young age of the children attending our setting, has been written in a form understandable to parent/carers. All parents whose children attend our setting receive a copy of our Data Privacy Notice and it is also displayed on our notice board at the setting. A separate Data Privacy Notice has been written for staff and all staff have received a copy.

### **Data Security**

Under the GDPR, St Joseph's has responsibilities to protect the personal information that we and our staff collect and use. This includes a requirement to have appropriate security to prevent it being accidentally or deliberately compromised. As such, this data is stored in a locked cupboard within the locked Leigh Building which is alarmed. All IT devices (eg. laptops, ipads etc) are password protected and have up to date IT protection software installed which is run on a monthly basis. Information stored on the Out of School Club's laptops are backed up on a weekly basis, and the devices are kept under lock and key.

Only authorised people can access, alter, disclose or destroy personal data – as directed by the Committee Chairperson.

In order to assure the protection of all data being processed and inform decisions on processing activities, this policy will be reviewed annually, and before this time should any matters arise that need to be addressed.

Parents, carers and staff are required to report suspected data breaches<sup>4</sup> without delay to the Out of School Club's DPO. Please refer to Policy 5.6 'Data Breach Procedure' for details on how we will deal with a reported breach.

### **Photographs and videos**

Images of staff and children may be captured at appropriate times and as part of learning and development activities for use in the Out of School Club only.

Unless prior consent from parents/carers/staff has been given, the Out of School Club shall not utilise such images for publication or communication to external sources.

It is the Out of School Club's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

### **Data disposal**

St Joseph's Out of School Club recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in paper format will be disposed of by shredding, using a cross-cut shredder, and in line with our Policy 5.7 Retention Periods for Records policy. Photographs and videos downloaded to computers will be deleted within three months, and all photographs and videos will be deleted at the end of each Out of School Club year. Electronic data held on laptops, ipads (or similar) or on a cloud provider, will be reviewed annually and data will be deleted according to our records keeping policy.

---

<sup>4</sup> A data breach is an incident in which sensitive, protected or confidential data has potentially been viewed, stolen or used by an individual unauthorised to do so.

Disposal of IT assets holding data shall be in compliance with ICO guidance: [https://ico.org.uk/media/for-organisations/documents/1570/it\\_asset\\_disposal\\_for\\_organisations.pdf](https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf). We will ensure that we use an IT asset disposal company which holds the required qualifications when the time comes. The company(ies) used must be accredited with ADSIA with distinction, Blancco or ISO 27001 etc.

#### **Further guidance**

- General Data Protection Regulation (May 2018)
- Human Rights Act (1998)
- Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (March 2015) – HM Government
- IT asset disposal for organisations.pdf (ICO)
- ICO website: [www.ico.org.uk](http://www.ico.org.uk)

#### **Related policies and procedures**

- Policy 5.5: Data Subject Access Requests
- Policy 5.6: Data Breach Procedure
- Policy 5.7: Retention Periods for Records

Version Number	Author	Purpose of change	Date
1.0	NP and HS	Updating policies	23.01.2023