

# DATA PROTECTION POLICY

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## 1. Introduction

To work effectively as a playgroup, South Darley Pre-school Playgroup (SDPP) is required to process relevant personal data about staff, children and their parents and guardians. The playgroup will take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using this data.

In this Policy, any reference to children includes current, past or prospective attendees of the playgroup. Any reference to parents includes guardians and carers.

## 2. Data Protection Controller

As the playgroup's Data Protection Controller (DPC), the Playgroup Supervisor will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998.

## 3. The Principles

So far as is reasonably practicable, South Darley Pre-school Playgroup will comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed;
- Processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights;
- Secure;
- Not transferred to other countries without adequate protection.

## 4. Personal Data

Personal data covers both facts and opinions about an individual. South Darley Pre-school Playgroup may process a wide range of personal data of staff, children, their parents or guardians as part of its activities. This personal data may include (but is not limited to); names and addresses, bank details, academic, disciplinary, admissions and attendance records, references and assessments.

## 5. Processing Personal Data

South Darley Pre-school Playgroup may need to ask for parents' consent for the processing of personal data, unless the processing is necessary for the Playgroup to undertake its obligations to children and their parents. Any

information that falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate parent or under the terms of this Policy.

## **6. Sensitive Personal Data**

South Darley Pre-school Playgroup may, from time to time, be required to process sensitive personal data regarding staff, children, their parents or guardians. Sensitive personal data includes medical information and data relating to religion, race, or criminal records and proceedings. Where the Playgroup processes sensitive personal data, the explicit written consent of the appropriate individual will generally be required.

## **7. Rights of Access**

Individuals have a right of access to information held by South Darley Pre-School Playgroup. Any parent wishing to access personal data relating to their child should put their request in writing to the Playgroup Supervisor. South Darley Pre-School Playgroup will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request. It should be noted that the playgroup will not be able to process such requests during periods when the playgroup is closed. The playgroup may take legal advice in determining what information may be released.

You should be aware that certain data is exempt from the right of access under the Data Protection Act this may include:

- Information that identifies other individuals, or
- Information that the Playgroup reasonably believes is likely to cause damage or distress, or
- Information that is subject to legal professional privilege.

Unless otherwise stated South Darley Pre-School Playgroup will treat as confidential any reference given by the playgroup for the purpose of the education, training or employment, or prospective education, training or employment of any child or member of staff.

South Darley Pre-school Playgroup acknowledges that an individual may have the right to access a reference relating to them received by South Darley Pre-school Playgroup. However such a reference will only be disclosed if such disclosure does not identify the source of the reference, or where notwithstanding this, the referee has given their consent, or if disclosure is reasonable in all the circumstances.

## **8. Whose Rights?**

The rights under the Data Protection Act are those of the individual to whom the data relates. In most cases the playgroup will rely on parental consent to process data relating to their children. As part of their terms of admission to the playgroup, the children are deemed to agree that the Playgroup may disclose their personal data to their parents or guardian.

Where a child seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, South Darley Pre-school Playgroup will maintain confidentiality unless it has reasonable grounds to believe that the child does not fully understand the consequences of withholding their consent, or where the playgroup believes disclosure will be in the best interests of the child or other children.

## **9. Exemptions**

Certain data is exempted from the provisions of the Data Protection Act. Information relating to the following will not be released to individuals:

- 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 Playgroup.

The above are examples only of some of the exemptions under the Act. Parents and children should note that any information relating to child protection, or which reveals the identity of another child, will not be released. Any further information on exemptions should be sought from the Playgroup Supervisor.

## **10. Disclosure of Information**

The Playgroup may receive requests from third parties to disclose personal data it holds about children or their parents. The Playgroup confirms that it will not generally disclose information unless the individual has given their consent or where one of the specific exemptions under the Data Protection Act applies. However the Playgroup does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference or assessment relating to a child to any educational institution that it is proposed that the child may attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the child may attend.
- To publish the achievements of children of the Playgroup.
- To disclose details of a child's medical condition where it is in the child's interests to do so, for example for medical advice, insurance purposes or to organisers of playgroup trips.

Where the Playgroup receives a disclosure request from a third party, it will take reasonable steps to verify the identity of that third party before making any disclosure. Where a request for disclosure is submitted on behalf of a parent or child, it must include a signed consent for disclosure from the parent or child.

## **11. Use of Personal Information by Playgroup**

The Playgroup will, from time to time, make use of personal data relating to staff, children and their parents in the following ways. Should you wish to limit or object to any such use, please notify the Playgroup Supervisor in writing.

- To make use of photographic images of children in Playgroup publications and on the playgroup website. However South Darley Pre-school Playgroup will not publish photographs of individual children with their names on the playgroup website without the express agreement of the appropriate individual.
- For fundraising, marketing or promotional purposes and to maintain relationships with children of the playgroup, including transferring information to any association society or club set up for the purpose of establishing or maintaining contact with children or for fundraising, marketing or promotional purposes.

## **12. Accuracy**

The playgroup will endeavour to ensure that all personal data held in relation to an individual is accurate. Staff, parents and children must promptly notify the Playgroup Supervisor of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

## **13. Security**

South Darley Pre-school Playgroup will take reasonable steps to ensure that members of staff will only have access to personal data relating to children and their parents where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The Playgroup will ensure that all personal information is held securely and is not accessible to unauthorised persons.

## 14. Enforcement

If an individual believes that the Playgroup has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the playgroup's complaints procedure and should also notify the Playgroup Supervisor.

Approved 15<sup>th</sup> January 2014

Signed:..... Chair

### I have read and understand this policy

Print name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

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