

Our Lady Star of the Sea Catholic Nursery General Data Protection Regulation Policy

Mission Statement

"You are precious in my eyes" - Isaiah 43

- ◆ Our Lady Star of the Sea Catholic Nursery is committed to the widest and fullest education of all pupils in a partnership between home, nursery, parish and community.
- ◆ Our nursery aims to create a happy, ordered environment where all members feel secure, valued and respect each other.
- ◆ Our nursery aims to be a positive force within the Catholic church inspired by the life of Christ in the Gospels

General Statement of Duties and Scope

Our Lady Star of the Sea Nursery is required to process relevant personal data regarding members of staff, volunteers, applicants, parents and children as part of its operation and shall take all reasonable steps to do so in accordance with this policy.

Data Protection Controller

The nursery has appointed a Data Protection Controller (DPC. **Barbara Draper**) who will endeavour to ensure that all personal data is processed in compliance with this policy, the Principles of The Freedom of Information Act 2000 and the Protection of Freedoms Act 2012. The nursery also recognises The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) adopted on the 25th May 2018.

The Principles

The nursery shall so far as is reasonably practicable comply with the Data Protection Principles contained in The General Data Protection Regulation (GDPR) 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

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Definitions

- Parental consent includes the consent of a guardian.
- Data Subject is the individual who is the subject of the personal data.

Personal Data

Personal data covers both facts and opinions about an individual and where that data identifies an individual. For example, it includes information necessary for employment such as the member of staff's name, address and details for payment of salary, or a child/family record and personal details. Personal data may also include sensitive personal data as defined in the Act

Processing of Personal Data

Consent may be required for the processing of personal data unless processing is necessary for the performance of the contract of employment. Any information which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with appropriate consent.

Sensitive Personal Data

The nursery may, from time to time, be required to process sensitive personal data. Sensitive personal data includes data relating to medical information, gender, religion, race, sexual orientation, trade union membership and criminal records and proceedings.

Rights of Access to Information

Data subjects have the right of access to information held by the nursery, subject to the provisions of the General Data Protection Act 2016 and the Freedom of Information Act 2000. Any data subject wishing to access their personal data should put their request in writing to the DPC. The nursery 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 Data Protection information request. The information will be imparted to the data subject as soon as is reasonably possible after it has come to the nursery's attention, and in compliance with the relevant Acts.

Exemptions

Certain data is exempted from the provisions of the GDPR which includes the following: -

- National security and 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 nursery, including, EYFS (2021), safeguarding and the prevention of terrorism and

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radicalisation. The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

Accuracy

The nursery will endeavour to ensure that all personal data held in relation to all data subjects is accurate. Data subjects must notify the data processor of any changes to information held about them. Data subjects have the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records which must be kept in the interests of all parties to which they apply.

Enforcement

If an individual believes that the nursery has not complied with this Policy or acted otherwise than in accordance with the Act, they should utilise the nursery grievance procedure and should also notify the DPC.

Data Security

The nursery will take appropriate technical and organisational steps to ensure the security of personal data. All staff will be made aware of this policy and their duties under the Act. The nursery and therefore all staff and families are required to respect the personal data and privacy of others to ensure that appropriate protection and security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to all personal data. An appropriate level of data security must be deployed for the type of data and the data processing being performed. In most cases, personal data must be stored in appropriate systems and be encrypted when transported offsite. Other personal data may be for publication or limited publication within the nursery/school, therefore having a lower requirement for data security. Attention is also drawn to the existence of the Information and Computing Technology (ICT) Policy, which provides more specific information on digital data protection within the ICT policy.

External Processors

The nursery must ensure that data processed are compliant with this policy and the relevant legislation.

Secure Destruction

When data held in accordance with this policy is destroyed, it must be destroyed securely in accordance with best practice at the time of destruction.

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Retention of Data

The nursery may retain data for differing periods of time for different purposes as required by statute or best practices. Other statutory obligations, legal processes and enquiries may also necessitate the retention of certain data. The nursery may store some data such as registers, photographs, achievements, books and works etc. indefinitely in its archive.

Images

Where a data subject can be identified, images must be processed as personal data.

Signature of Chair of Committee members: _____ **Date:** _____

Signature of Nursery Supervisor: _____ **Date:** 12.1.23