

District Specialist Centre for North Wiltshire

King's Rise Children's Centre, Lodge Road, Chippenham, Wiltshire, SN15 3SY
Tel: 01249 657145

Maximising ability; Minimising disability

Policy Statement 1: Privacy Notice Formerly known as Fair Processing Notice Data Protection

Privacy Notice - Data Protection Act (DPA) 1998

Springboard is the Data Controller for the purposes of the Data Protection Act. We collect information from parents and may receive information from the other settings and agencies. We hold this personal data and use it to:

Data we hold

- Personal data- name, address, contact information.
- Child's diagnosis, health, medical and developmental information.
- Some data defined as 'special classes'- these include ethnicity, genetic information (diagnosis) and health information.

Why

- Support a child's development;
- Monitor and report on a child's progress;
- Provide appropriate support and care,
- Assess how well we are doing as a setting

This information includes a child's contact details, assessment results and personal characteristics such as ethnicity, special educational needs and any relevant medical information.

We will not give information about an individual to anyone outside of Springboard without prior consent unless the law dictates and information sharing protocols require us to.

Springboard will always ask for parental consent and these include taking photos for use in the setting and for publicity, the sharing of records with other professionals, administering medication, outings, first aid, face painting and applying sun screen. These consents will all be asked at the registration point of a child, (the starting process with Springboard) and usually annually therefore. Parents will be given specific information regarding each of the consents and are asked to tick a box for each consent, so the process is clear and informed.

Written consents are obtained regularly whenever data is shared, so the consents are specific and parents can make an informed choice and the decision is freely given. For example a Team Around the Child (TAC) meeting, parents will be asked to consent to the meeting, agree the invitee list and after the meeting consent to the agreed minutes being shared. Springboard has to be able to demonstrate consent was given and to be able to show an effective audit trail.

We are required by law to pass some of a child's information to the Local Authority and the Department for Education (DfE)

Under the Freedom of Information Act an individual can ask to have a copy of the information held on them/ their child. This is called a Subject Access Request (SAR) and should be made to the manager or Springboard's Data Protection Officer- (DPO) Anne Farrell. The information will be provided electronically, unless a hard copy has been specifically requested. No charge will be made for the first copy. The documents will be provided within one calendar month. ID will need to be shown by the person making the SAR to confirm their identity. The timeline begins once their ID has been verified.

General Data Protection Regulation (GDPR)

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Springboard acknowledges the GDPR which will come into effect from May 2018 which will expand upon the current DPA. The GDPR will harmonise the law between the European countries and expand to the current legislation to incorporate all the technology advances since 1995.

GDPR will still apply if the UK leaves the EU, as the regulation applies to all European citizens wherever they live.

The GDPR gives individuals increased rights and these include

- The right to have their personal data deleted. An individual can request to have their data erased or deleted this applies to be both hard copies and electronic documents held. Requests should be made directly in writing to either the manager or to the DPO. The Manager and the DPO would review all their data held at Springboard. As Springboard has a legal duty to maintain essential data not all data would be deleted, but Springboard would minimise what was held in accordance with the request.
- Data portability- individuals have a right to their data being transferred in an accessible form. This would be applicable when families move out of the area or transfer into another pre-school or school. Springboard would always use standard formats e.g. PDF, word and excel documents and security would always remain a priority and documents would be password protected if sent electronically. The data would be sent to a mutually agreed destination e.g. email address or storage media destination.
- Right to have inaccuracies changed- a person has the right to the correct information being held about them. Errors or inaccuracies would be updated in a prompt timeframe, according to the usual working patterns of Springboard personnel. An annotation would be added to the records to state what correction has been made, when and by whom, in order to provide a full audit trail.
- Parents/ carers provide consent due to the age of the children attending Springboard. In order to verify the age of the children attending Springboard, birth certificates are requested and checked to verify.
- Stricter consents are required for text and email contact. Recipients will have an opt out/ unsubscribe option from general e-mails. It should be clear that recipients have a choice to receive documentation.

Our **Data Retention Procedures** are as follows

Secure storage and retention of all Data

Storage and access

Hard copies of personal data must be kept securely, in lockable, non-portable, storage containers with controlled access from authorised personnel.

'Personal' data is not held locally on any IT device, but stored centrally and protected by passwords, third party security firewalls and security software.

Due to the working practices, there may be some photographs temporarily stored locally on playroom tablets, which are password protected. Procedures must be followed to ensure the retention periods are followed to minimise the photographs held locally.

All staff are responsible for uploading and downloading data to ensure all data is stored securely. All devices are protected by passwords which are changed every six months, or when a member of staff leaves.

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Access to electronic data is restricted to what is appropriate for each member of staff and their individual role and responsibilities

A back up of all electronic data is kept securely locked in the safe on site. Only the Manager and the DPO have access.

Handling

To protect the identity of the children, they are referred to by their initials. If more than one child has the same initials, the first two letters of their first name and the first two letters of their surname will be used to identify them. The Initials are used when sending out emails, meeting requests and general correspondence to multi-agency professionals to reduce the risk of the data being linked to a person. When sending a document electronically, it is password protected and the password sent by a separate email.

Electronic documents are password protected before sending. The password is sent in a separate email, however the password could be sent using alternative mediums e.g. phone, text. If it is not possible to send an electronic document securely, a hard copy should be sent by post but only to a confirmed and known individual and to a known address.

Retention

Data is retained in accordance to the Data retention table below, this applies to both hard copies and electronic files kept. The archiving procedure must be followed and a retention date clearly labelled.

Disposal

Once the retention period has elapsed, Springboard will ensure all data is destroyed by secure means, e.g. by shredding, pulping or burning. Files for destruction will be identified by a destruction date. There will be an administration period required for physically destroying the files this could be several months due to being term time only.

| | Data Storage | |
|---------|--|--|
| | Document | Retention Period |
| Child | Individual Files | Minimum 6 years from end of placement. Recommended until the child is 21 |
| Child | Child Protection Files | 24 years |
| Setting | Press Clipping | 6 months |
| Setting | Newsletters | 2 years |
| Setting | Team meeting minutes | Minimum 10 years |
| Setting | Management meeting minutes | Minimum 10 years Recommended permanently |
| Setting | Health and Safety documentation (risk assessments /accident records) | Minimum 7 Years RIGGOR related Minimum 40 years COSHH related minimum 40 years |
| Setting | Complaint reports | 10 years |
| Setting | Building records | 10 years |

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| Setting | Records relation to accident or injury at work | Minimum 12 years |
| Setting | Office Accounts | Minimum 7 years |
| Setting | Old Insurance policies/certificates | Indefinitely |
| Staff | Application Form | Duration of Employment |
| Staff | References received | 1 year |
| Staff | Records relating to promotion, transfer, training, disciplinary matters | 6 years from the end of employment |
| Staff | Annual Leave Records | 2 years |
| Staff | Sickness Records | 3 years |
| Staff | Unpaid leave/special leave records | 3 years |
| Staff | Appraisal /assessment records | 5 years |
| Staff | References given | 5 years from end of employment |
| Staff | Payroll and tax information | 6 years from end of employment |
| Staff | Summary of record of service, i.e. name, position held , dates of employment | 10 years from the end of the employment |
| Staff | Individual supervision notes | 10 years |

More information is available from

<http://www.wiltshire.gov.uk/index.htm>

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/>

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/thirdpartyorgs/>

or :Contact Wiltshire Council -01225 713000

Or Public Communications Unit

Department for Education

Sanctuary Buildings

Great Smith Street

London

SW1P 3BT

Website: www.education.gov.uk

email: info@education.gsi.gov.uk

Telephone: 0870 000 2288

If there are any concerns with regards to Springboard's handling of personal data contact either Springboards' Data Protection Officer- Anne Farrell or the UK's regulatory body ICO (Information Commissioners Office) on 0303 123 1113

Data Breach

Data Breach- if a member of staff, volunteer or trustee sees or makes a data breach this must be highlighted to the Data Protection Officer (DPO) and the Manager immediately. The DPO and the Manager will investigate the breach, change procedures as appropriate to prevent future breaches and report to the ICO if applicable. Data breaches must be reported to the ICO within 72 hours if there is an individual is likely to suffer damage, for example identity theft or a confidentiality breach. The ICO must be informed of the nature of the breach, the number of data subjects, the categories of data and the proposed mitigation.

A letter should be written to all the subjects whose data has been breached (a template is available on the ICO's website), an apology should be made and also practical advice concerning the breach.

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Possible breaches would be: an email circulation list not hidden, so all recipients can see each other's email addresses, this would be a breach but not reportable. A confidential document concerning a child, not password protected and sent to the wrong person, would be a breach.

Failure to report a breach would result in a fine, in addition to a fine for the breach itself.

Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information

General Principles

As an organisation using the Disclosure Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Springboard Opportunity Group complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure Information.

Springboard complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information for all its documents/ records and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of a year, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than a year, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, e.g. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Privacy Impact Assessments

Privacy Impact Assessments (PIAs) demonstrate good working practice. The DPO and the Manager will use the assessment tool, a standardised template to analyse current processes in order to comply with the GDPR by identifying risk areas and the reducing risks. When new processes or technology is implemented it is paramount a PIA is completed at the implementation stage to minimise any possible risk of data breach. A PIA can demonstrate to the ICO, how Springboard complies with the DPA/GDPR

North Wiltshire Opportunity Group for Pre School Children with Special Needs



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and also reduce the likelihood of Springboard failing to meet its legal duties. A log listing all the PIAs completed will be maintained.

The PIA assessment template can be found using the link below-

<https://ico.org.uk/media/1042836/pia-code-of-practice-editable-annexes.docx>



Patron: The Marchioness of Lansdowne
Company No. 2698820 Charity No. 1010231
Registered Office as above