

**Baby Unit for 0 – 2 year old children**

**Day Nursery for 2 – 5 year old children**

**Before and after School Holiday Care for 5 – 16 year old children**

**Primary School Holiday Care for 5 – 16 year old children**

# General Data Protection Regulation (GDPR) Policy

**Rationale**

GDPR covers the management and control of personal information. It focusses on consumers rights and put’s their needs first. Twixus Childcare will comply to the General Data Protection Regulation Act (25 May 2018) to protect the data we hold, on children, parents and staff members.

### Implementation

GDPR will replace the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations 2003. It increases the obligations that companies have regarding personal data and focuses on rights for individuals. Twixus understands the emphasis on a more robust protection for individuals.

**What is personal data?**

GDPR is concerned with Personally Identifiable Information. This is anything that can be used to identify a specific person. Twixus will protect data held on children, parents, staff members and other contacts, including:-

* Names
* Dates of birth
* Bank details
* Photos all count as personally identifiable information.

**Including any data which can be linked to a single person and can identify them.**

Examples include -

* a name
* email address \*
* postal address
* telephone numbers
* bank account details
* photos.

\*Just an email address is not personal data unless it can be directly linked to more data that is stored somewhere else.

**Lawful Processing**

GDPR states that personal data should be ‘Processed Fairly & Lawfully’ and ‘Collected for specified, explicit and legitimate purposes’

### Obligations and Consent

Twixus has lawful obligations to collect, process and store personal data. All data processing will be appropriate and will we will only record and process the data that you needed to manage and maintain our childcare centre.

Twixus will continue to comply with regulatory frameworks and inspectorates in the UK by collecting all statutory \*(EYFS and Ofsted) data regarding children, staff and adults associated with the setting. Twixus understands that these legal obligations override GDPR so consent to collect this data from parents, children or staff is not required.

\* Child details and Parent details must be kept and recorded for 2 years. Accident reports must be kept for 21 years and 3 months and Staff records must be kept for 7 years.

Twixus operate a principal of consent and will uphold the automatic right of privacy to individuals by -

* Getting ‘Explicit’ consent to hold personal data
* Providing information about data use.
* Providing information on how long we intend to hold onto this data and for what purpose.
* Giving individuals the right to be “forgotten”.
* Giving individuals an avenue to object to some use of their own data.

‘Explicit’ consent means that parents (and staff) need to complete and action to show that they agree – This consent is agreed during staff induction and in every families welcome pack details –

**Our Consent Statement** (as Welcome Pack)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. **General Data Protection Regulation (GDPR) - Consent Statement** | | | | |
| **Twixus takes your privacy seriously and will only use your personal information to manage your account and provide tailored care to your child. From time to time we will need to contact you, via letter, phone, email or website to provide you with Twixus updates, share relevant news and send your childcare bills. Sensitive emails will be password protected or encrypted for security. We will input your data into a secure system called Abacus which helps us manage our nursery smoothly. Your data is held in a secure data centre and can only be accessed by authorised personnel. Twixus will also take photographs to support learning progress and may use selected photographs on classroom displays. Twixus will never publish photographs of children on the internet or publically without consent. Personal information will not be shared with any third parties.** | | | | |
| **Parental GDPR Consent** | *I agree to the Terms and Conditions regarding* General Data Protection Regulation (GDPR) | | | |
| Signature of Parent | |  | Date |  |

**\*** Twixus will keep a record of these agreements in case of an audit.

### What is a breach?

Twixus has identified situations where the rules of GDPR would be breached. Including –

* Accidentally losing data
* Destroying data incorrectly
* Sharing - in this instance means giving unauthorised access to personal data.

Any breaches must be reported to the [Information Commissioners Office](https://www.ndna.org.uk/NDNA/Need_to_know/UK_Knowledge_Hub/www.ico.org.uk).

**Limiting the risk of a breach**

Twixus will limit the amount of people that can access data to reduce risk and make it easier to ensure policies and procedures are being followed. Designated Managers will have access to personal data and will only allow specific staff members access if necessary (like medical emergency contact details) Twixus will only store data/information that is absolutely necessary. Everyday data collection forms (i.e child protection forms) will contain names and dates, but will not contain dates of birth and addresses etc. Sensitive emails will be password protected or encrypted for security. We will input data into a secure system called Abacus. This data is held in a secure data centre and can only be accessed by authorised personnel. Twixus will also take photographs to support learning progress and may use selected photographs on classroom displays. Twixus will never publish photographs of children on the internet or publically without consent. Personal information will not be shared with any third parties. Personal information will not be stored or displayed in publicly accessible places (like contact details on registers etc.) This will limit the amount of data we share and will limit your risks of a data breach.

### Staff Organisation

Twixus Management have made all staff aware of GDPR and what it means. All staff that handle data have been given instructions about the regulation. All staff can answer parents’ queries about how their data will be used and stored. All staff at Twixus is clear about the benefits this will give and about our legal obligations regarding safeguarding the children.

Twixus has appointed a lead person who is the designated data protection officer -

**Garrick Beal**

The data protection officer is responsible for understanding the rules and ensuring our setting is compliant.

**Parental Rights**

Twixus will cooperate with lawful requests relating to data made by parents. Twixus will only refuse a request, if we have a lawful obligation to retain data (from Ofsted or the EYFS) but we will inform the individual of the reasons for the rejection. Twixus is aware that the individual can then complain to the supervisory authority.

**The right to erasure**

Individuals can request the deletion of their data where there is no compelling reason for it’s continued use as long as it complies with lawful/statutory guidance

**The right to restrict processing**

Parents and staff can object to the processing of their data. This means that their records can be stored, but must not be used in any way. If this is requested, you cannot use the individual’s information in reports, or for communications.

**The right to data portability**

Data needs to be able to be transferred from one IT system to another if necessary or requested. Connect Childcare allows you to export data to .csv files making portability easy.

**The right to object**

Parents and staff can object to their data being used for certain activities like marketing or research. The objection must relate to their specific situation. If an objection occurs you need to demonstrate legitimate reasons for processing this data.

***Acceptance and Application of Terms:*** *The Management and Staff at the Twixus Childcare Centre has agreed (by signature) to uphold the legislative terms and working practices of this policy. This policy will be reviewed annually and/or when legislative terms or practical application requires amendments.*