



# **DATA PROTECTION POLICY** **(GENERAL DATA PROTECTION** **REGULATION COMPLIANT) AND PRIVACY** **NOTICES**

Our lawful basis to process data is **Legitimate Interest** and annexed to this policy is our **Legitimate Interest Assessment (LIA)**, which details how, where and why we hold certain data. Further annexes to this policy are **Privacy Notices**.

In this policy data deletion means that Paper data that is no longer required is erased 2 months after the end of the academic year and Electronic data is erased 2 years after the child/ren's attendance has ceased.

At Fusion we handle personal data relating to a living individual who can be identified from that information, ie Name and DOB. We also hold Sensitive Personal Data which is any data that can be used in a discriminatory way, such as; religion, ethnicity, medical conditions, behavioural needs, anything that can be viewed as information that can be used to bully. At Fusion data is held in both electronic and/or paper format.

Fusion is Registered with the Information Commission's Officer (ICO) under the Data Protection Act 1998 and we are General Data Protection Regulation (GDPR) compliant. Fusion's Registration Certificate Reference number is **Z2963300** and Fusion's Data Protection Officer / Data Protection Controller is **ABIGAIL WILKINS** who is ultimately responsible for ensuring that Fusion meets all its legal requirements.

**Right to Erasure:** We will only delete photos/digital images and videos from our website, promotional material and Facebook page if it is reasonable to do so and is not going to involve disproportionate effort. We refuse to destroy any data that we must hold for statutory reasons, such as Health and Safety and Safeguarding data and there might be times when we refuse to comply with a request for erasure for certain reasons.

Data that Fusion collects is to protect the interests of parents/carers/children/staff and we ensure we are not using data in ways that are deemed as intrusive or which could cause harm unless we have very good reason.

**Subject Access Request:** Parent's/carers/children/staff have a right to request to see all of their data that Fusion holds about them. Fusion will provide the requested information in easy formats such as PDF/XLS/CSV within 30 days. If our data is found to be incorrect or out of date, we will update it promptly. If any individual about whom we hold data has a complaint about how we have kept their information secure, or how we have responded to a subject access request, they may complain to the Information Commissioner's Office (ICO).

## **Data Protection Law:**

The Data Protection Act 1998 and GDPR compliancy describes how organisations such as Fusion Childcare Services must collect, handle and store personal information. This Policy is



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to comply with both the Law and Good Practice of Fusion and respect individual rights and will include: Staff, Individual Children and Families of Fusion.

These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The Data Protection Act is underpinned by eight important principles. These say that personal data must:

1. Be processed fairly and lawfully
2. Be obtained only for specific, lawful purposes
3. Be adequate, relevant and not excessive
4. Be accurate and kept up to date
5. Not be held for any longer than necessary
6. Processed in accordance with the rights of data subjects
7. Be protected in appropriate ways
8. Not be transferred outside the European Economic Area (EEA), unless that country or territory also ensures an adequate level of protection

## This Policy applies to information held at/by:

- Fusion's 'Head Office' at 45 Cranbourne Drive Harpenden Hertfordshire AL5 1RJ.
- 'On Site' locations at the Grove Infant and Nursery School and The Grove Junior School Dark Lane Harpenden Hertfordshire AL5 1QD
- All Staff and Volunteers of Fusion
- All Contractors, suppliers and other people working on behalf of Fusion.

This Policy supports and protects Fusion from data security risks, including:

- **Breaches of Confidentiality:** For instance, information being given out inappropriately. If a serious breach occurs, Fusion will notify ICO within 72 hours from becoming aware of the breach. We understand there is no allowance for weekends or bank holidays.
- **Failing to offer choice:** For instance, all individuals should be free to choose how Fusion uses data relating to them
- **Reputational Damage:** For instance, Fusion could suffer if hackers successfully gained access to sensitive data
- **Breach of Security:** For instance, allowing access to data by someone unauthorised



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## **Responsibilities:**

Fusion Childcare Services recognise that there may be issues that arise which are sensitive and should not be discussed in an open forum. Management, Staff and volunteers are expected to maintain confidentiality about all issues relating to individuals, families, children and staff contracted by Fusion Childcare Services. Data Protection forms part of staff's induction.

There will be times when staff will discuss particular issues within a staff meeting or other meetings, but these are not to be discussed outside the meeting/setting. The Management will also discuss matters relating to staff and these discussions will also be kept to the confines of the meeting/setting.

Fusion recognises that personal information is given to us for specific reasons only and we take our duty of care regarding confidentiality very seriously. All records are kept confidential and secure on and off site.

Everyone who works for Fusion has responsibility for ensuring data is collected, stored and handled appropriately. Each staff member that handles personal data must ensure that is handled and processed in line with this Policy, Data Protection Principles and Data Protection Registration Requirements.

Data will only be shared with third parties for the safety and well-being of the children in our care. We will only share information about a child/ren with outside agencies on a need-to-know basis and with consent from parents, except in cases relating to safeguarding children, criminal activity, or if required by legally authorised bodies (eg Police, HMRC, etc). If we decide to share information without parental consent, we will record this in the child's file, clearly stating our reasons.

## **Data Storage and destruction:**

Fusion's data is held within an individual Registration Pack which is in paper format and is stored on site securely in a locked fireproof cabinet; staff personnel records are also stored in this way.

A copy of all of the above paper format data is further stored at Fusion Head Office and on Fusion's Secure Electronic Database. This electronic data is protected from unauthorised access, accidental deletion, and malicious hacking attempts. We use strong passwords that only the Management of Fusion have access to; copies of personal data are never transferred to personal computers or other devices; all servers and computers used by Fusion are protected by a firewall and security/ encryption software.

Once a child/parent/carer/staff/volunteer/visitor has left Fusion, their data will be held for 2 months after the current academic year has ended and a further 2 years thereafter. After



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which, all data will be destroyed unless the data is regarding Health & Safety and Safeguarding purposes. When Fusion retains data that is relating to Health & Safety /Safeguarding, it will not be shared unless required by Law. Any electronic data will be deleted after the referred to time period and removed from the recycle bin which will also be emptied at this time. Paper data will be shredded using a cross cut shredder within the referred to time period. Any personal and payroll data forms part of HMRC requirements and will be retained for seven years before being destroyed.

Adopted: 01.04.2014

Last Reviewed on: 01.04.17

Reviewed on: 01.04.18

Next Review Due: April 2019

Signed.....

FUSION CHILDCARE SERVICES

Signed.....

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*Written in accordance with the Statutory Framework for the Early Years Foundation Stage (2017):  
Safety and Suitability of Premises, Environment and Equipment. Information and records [3.68-3.72].*



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## **Privacy Notice for Parents/Carers:**

Once you have read and understood this policy as well as the LIA, there is a section in the Registration Pack for you to sign giving permission for us to contact you.

At Fusion Childcare Services we respect the privacy of the children attending Fusion and of their parents/carers. The personal information that we collect about you and your child/ren is used only to provide appropriate care for them, maintain our service to you, and communicate with you effectively. Our legal basis for processing the personal information relating to you and your child/ren is so that we can fulfil our contract with you.

Under General Data Protection Regulations, we are required to ask you to give us permission to contact you. As you have chosen for your child/ren to use our services, we will use the contact details you give us to contact you via phone/text, email, social media and Royal mail post so that we can send you information about your child, Fusion and other relevant news, and also so that we can communicate with you regarding payment of our fees.

Any information that you provide is kept secure for the child/ren you have parental responsibility for. Paper data that is no longer required is erased 2 months after the end of every academic year. Electronic data is erased 2 years after your child/ren's attendance at Fusion has ceased.

We will only share personal information about you or your child/ren with other organisations if we:

- have a safeguarding concern about your child
- for medical purposes
- are required to by government bodies or law enforcement agencies
- have obtained your prior permission.

You have the right to ask to see the data that we have about yourself or your child/ren, and to ask for any errors to be corrected. We will respond to all such requests within one month.

You can also ask for the data to be deleted, but note that:

- we will not be able to continue to care for your child/ren if we do not have sufficient information about them



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- even after your child/ren has left our care, we have a statutory duty to retain some types of data for specific periods of time, so we can't delete everything immediately.

If you have a complaint about how we have kept your information secure, or how we have responded to a Request to Access, update or erase your data, you can refer us to the Information Commissioner's Office (ICO).

## **Privacy Notice for Staff/Volunteers:**

Once you have read and understood this policy as well as the LIA, please sign and date below to confirm that you have read the policy and Privacy Notice and that you give permission for us to contact you regarding relevant matters.

At Fusion we respect the privacy of our Employees/Volunteers. The personal information that we collect about you is used only to manage your employment with us and to meet the relevant requirements of Employment and Childcare Legislation. Our legal basis for processing your personal information is to fulfil our legal obligations as an Employer.

Any information that you provide to us is kept secure whilst you are in our employment, and data that is no longer required is erased after you leave our employment. We retain Personnel Folders for up to 5 years after your employment at Fusion has ceased for Health and Safety, Safeguarding and Employment and HMRC reasons.

We will use the contact details you give us to contact you via phone, text, email, social media and Royal Mail post so that we can send you information about your employment and other relevant Fusion related news.

We will only share personal information about you with other organisations if we:

- have a safeguarding concern that relates to you; or
- are required to by government bodies or law enforcement agencies; or
- have obtained your prior permission.

You have the right to ask to see your personal data and to ask for any errors to be corrected. We will respond to all such requests within one month. You can also ask for the data to be deleted, but please note that:

- we will not be able to continue to employ you if we do not have sufficient information about you
- even after you have left our employment, we have a statutory duty to retain some types of data for specific periods of time\* so we can't delete everything immediately.





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If you have a complaint about how we have kept your information secure, or how we have responded to a Request to Access, update or erase your data, you can refer us to the Information Commissioner’s Office (ICO).

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

## **Legitimate Interest Assessment – GDPR**

When we refer to Electronic Data we mean Fusion’s database/email system which is secured with strong passwords and when we refer to Paper Data we mean Registration Packs and other physical documents which are stored in a fireproof lockable cupboard.

<b>Data Type</b>	<b>Format Electronic (E) Paper (P)</b>	<b>Purpose</b>	<b>Do we need it?</b>	<b>Who might we share it with?</b>
<b>Parents/children- information from the registration pack.</b>				
Retained: Electronic data is stored for 2 years after leaving Fusion and Paper data is shredded 2 months after the end of the academic year.				
Incident/Accident forms/safeguarding, H&S records are retained for 10 years due to statutory obligations.				
Full Name, Preferred Name, DOB and Sex	E / P	So we know about the child.	Yes	Staff, School county, other professional service like Social Services and Police.
Year group	E / P	So we know which year group the children are in, so where we know where to collect them	Yes	Staff, teachers, county
Ethnic Origin, Home Language, religion, nationality	E / P	Can offer support and make an inclusive environment and best support children. Also need this data for county records.	Yes	County Staff Department of Education
Opt in about which payment method parents will be using	E / P	So we know about payments and can track and chase.	Yes	Management only
Address and Email address, phone numbers 4 emergency contacts	E / P	So that we can contact parents. Documents ie emails and letters and we use phone contact numbers for during the sessions.	Yes	Staff, Social Services, Police
Parent’s place of work (company) as well as work number	P	Terrorism- Incase we cannot get hold of parents (phone lines are down), we can see if their place of work has been affected ‘lock down’.	Yes	Staff only.

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Family Password	E / P	For safeguarding purposes so we can only release children to the adult only if they know the password.	Yes	Staff only but parents provided it
Medical Information; Dietary needs, Allergies, Medication , Permission to administer forms, Health and Medical Conditions Communication needs, Toileting , Mobility Behaviour	E / P	So we can support the child daily: give them correct food, have the medication they require, alter our communications methods, offer additional support and put interventions and plans in place to support them. We also need this information if we have to take children to hospital or if we have to phone 111.	Yes	Staff, social services, emergency services, other education professionals involved in the child's care.
Information about the children: Likes, Dislikes, Important people in their lives, Celebrations they celebrate , Any other information	P	So we know the children, settle and help them making it a welcoming and inclusive environment. We can ensure that we are celebrating the festivals they celebrate, can get toys out to make them feel comfortable and ensure that we are not doing anything they dislike.	Yes	Staff and any other professionals
Children signing behaviour code	P	So we know that children are aware of our behaviour policy and we know they will conduct themselves appropriately.	Yes	Staff and parents
Consent for children to do things (opt in process- YES or NO): -Photos/digital images and videos to be used for website and promotional material. -Photos/digital images and videos to be used for our open Facebook page. -Photos/digital images and videos to be used for internal proposes, ie notice boards. -Emergency treatment	E / P	We need this information so that we can respect the parents/families wishes and so that we are abiding by their consent.		Staff, Emergency services, ie hospital/ medical professionals. Photos/digital images and videos to be shared with people who visit our website, come across any promotional material, ie leaflets, videos, anyone who is part of our Facebook page and anyone who sees any internal communications, ie noticeboards and photo albums.  Consent about facepainting will be shared with the Face painter





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-Taking children off site -Watching DVD's -Have Facepaint -Use electronic devices.				
Parents signature and confirmation that they have read and understood Fusion's policies and procedures.	P	So we know that parents are knowledgeable about the running and organisation of Fusion and will act appropriately in accordance with our policies. Forms part of contract between parents and Fusion.	Yes	Parents
Registers	E / P	So we know who attended and who picked up and timings	Yes	Management, staff, parents and Accountant
Incident/accident forms	P	For H & S purposes	Yes	Staff, parents, kept for legal purposes if needed. HR
Observation sheets/ All about me/ Unique summaries for Reception children	P	To show we meet Early Years Framework Statutory requirements and to show development of children.	Yes	Ofsted, parents, staff for training purposes, teachers and other professionals involved in a specific child
General correspondence/ communication; text/email/written	E/P	So we have records of communication	Yes	Management, with staff, parents
Database which contains all the above info as well as payment, invoice amounts, childcare providers	E	To have a coherent accounts package	Yes	Management and parents know their own details
<b>Staff/Volunteers/Visitors</b> (all data paper and electronic, ie personnel folders are retained for 5 years from the end of the Employment due to Employment obligations)  Data about candidates: unsuccessful candidates who were interviewed we retain data for 2 months; other unsuccessful candidates: disposed of immediately.				
Full name, address, contact details, sex, marital status (personal details) including Application form and employment history.	E / P	To contact staff; ie post payslips, email courses, next of kin information.	Yes	Management, internal HR



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Bank details, NI number, P45, payroll, time sheets	E / P	To pay staff and comply with HMRC obligations	Yes	Management, Bank, HMRC, Tax and national insurance, NEST pension provider, Accountants,
DBS info-proof of identity/address, address history and update service numbers.	E / P	We do not keep a record of DBS, but see them. We hold staff's update service number to check their DBS but we ask permission before we do so.	Yes	Capita- the DBS company we use. Management and the member of staff who's update service number it belongs too.
Health Information -Medical Conditions Which surgery they are registered at	P	Awareness of staff's medical info and any consequences/impact. Also need for 111 or 999/hospital.	Yes	Management and hospital/medical professionals. Other staff.
Supervisory and Appraisals	P	HR and reflect on targets and see training opportunities.	Yes	Management and HR and staff who they belong too
CPD evidence such as certificates	P	So we know when to renew staff training	Yes	Staff who belong too, Management
Employment info: ie interview sheet, induction, policy confirmation, references, contracts, confirmation slips, pay rise letters, grievance and disciplinary and any other correspondence	E / P	For safer recruitment, so we have records of staff.	Yes	Management, HR and staff who they are about