

Data Protection

This policy should be read in conjunction with the Pre-school's Confidentiality Policy, and Privacy Notice.

Introduction and Purpose

At Little Stars Pre-school we recognise that we hold sensitive/confidential information about children and their families and the staff we employ. This information is necessary to carry out the functions of the pre-school for example to meet children's needs, and for registers, invoices and emergency contacts.

The purpose of this policy is to detail the requirements for data protection within the Pre-school and to ensure that all such data, both in paper and computer file form, is held and is used in a manner that protects the persons to which it refers. This policy will work alongside the Privacy Notice to ensure compliance with the Data Protection Act 2018 (DPA), which is the UK's implementation of the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR).

Legal requirements

We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2026 and accompanying regulations about the information we must hold about registered children and their families and the staff working at the Pre-school

We follow the requirements of the Data Protection Act 2018, the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

Principles

We follow the GDPR principles that personal data must be:

- Collected and processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed or then is legally required
- Processed in a way that ensures it is appropriately secure

Lawful Basis

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Pre-School can fulfil a contract with the individual, or the individual has asked the Pre-School to take specific steps before entering into a contract
- The data needs to be processed so that the Pre-School can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
- The data needs to be processed so that the Pre-School can perform a task in the public interest, and carry out its official functions
- The data needs to be processed for the legitimate interests of the Pre-School or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent

Individual's Rights

We recognise that the GDPR provides the following rights for individuals:

- The right to be informed.
- The right of access.
- The right to rectification.
- The right to erase.
- The right to restrict processing.
- The right to data portability.
- The right to object.
- Rights in relation to automated decision-making and profiling.

The Pre-school will uphold these rights subject to legal requirements.

Definitions

Term	Definition
Personal Data	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• Online identifier, such as a username

	It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special Categories of Personal Data	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Health – physical or mental • Sex life or sexual orientation
Processing	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
Data Controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data Processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Data Subject	The identified or identifiable individual whose personal data is held or processed.
DSAR	A DSAR is a Data Subject Access Request (sometimes referred to as a Subject Access Request - SAR). This is a written request from an individual to ask for access to the information that a Data Controller holds. If a parent or staff member has requested a DSAR, we must reply within one month, and provide the personal data requested free of charge. Information that holds personal information of another child cannot be shared, and only those with parental responsibility can obtain records.
ICO	The Information Commissioner's Office (ICO) is the regulator responsible for upholding the public's information rights in the digital age, promoting openness by public bodies, and enforcing data protection law
Personal Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

Roles and Responsibilities

Data Controller

Pre-School processes personal data relating to parents, pupils, staff, trustees, visitors and others, and therefore, under GDPR, is a Data Controller. The Pre-School is registered as a Data Controller with the ICO and will renew this registration annually or as otherwise legally required. The details of the registration are:

Little Stars Pre-school
Emmanuel Church
Shepherds Lane
Guildford
Surrey
GU2 9SJ

Registration reference: Z1802301

Date registered: 05 October 2009

The Data Controller has the ultimate responsibility for ensuring compliance with the DPA and with the GDPR.

The Pre-school can be contacted at the above address, or by phone 07736 230140, or by email at littlestars.preschool@emmanuelchurch.co.uk

Pre-school Manager and Management Committee

The Manager, together with the Management Committee, are responsible for ensuring that adequate and suitable procedures are in place to protect the data of all stakeholders in the Pre-school

Staff

All staff are responsible for following this policy and all associated procedures and ensuring that the data of all stakeholders in the Pre-school and Church is protected.

Outside organisations

The Pre-school may use outside organisations to process data. Those organisations are also bound by GDPR. This does not remove the obligation on the Pre-school, as Data Controller, to ensure compliance with the regulations.

General undertakings

In order to meet our requirements under GDPR we will also undertake the following:

- We will ensure our terms & conditions, privacy and consent notices are easily accessed.
- We will not share or use data for other purposes other than the day to day running of the Pre-school.
- We will ensure that everyone in our Pre-school understands that people have the right to access their records or have their records amended or deleted (subject to other laws and regulations).

Procedures with regard to children's and their families' information

It is our intention to respect the privacy of children and their families, and we do so by:

- Storing confidential records in a locked cupboard/filing cabinet or on the Pre-school Laptop with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence.
- Ensuring that all staff, volunteers and students are aware that this information is confidential and only for use within the Pre-school and to support the child's best interests and is never shared outside of the Pre-school other than with relevant professionals who need to know that information
 - Ensuring staff, student and volunteer inductions include an awareness of the importance of confidentiality and the GDPR
 - If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement in the Pre-school are advised of our confidentiality policy and required to respect it
- Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children's social care team decide this is not in the child's best interest
 - If any of this information is requested for whatever reason, the parent's permission will always be sought other than in the circumstances above
- Ensuring staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs
- Ensuring staff, students and volunteers are aware of and follow our social networking policy in relation to confidentiality
- Ensuring any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a 'need-to-know' basis. If, however, a child is considered at risk, our safeguarding/child protection policy will override confidentiality.

All the undertakings above are subject to the paramount commitment of the Pre-school, which is to the safety and well-being of the child.

Staff and volunteer information

- All information and records relating to staff will be kept confidentially in a locked cabinet or on the Pre-school computer system with files that are password protected in line with data protection principles. Any information shared with the management team or committee is done on a 'need to know' basis and treated in confidence.
- Individual staff may request to see their own personal file at any time.
- Issues concerning the employment of staff will remain confidential to the people directly involved with making personnel decisions.

Training

All staff members that handle data should be aware of current regulations and their responsibilities and they should also be able to answer parents' questions regarding how information is used or stored.

Breaches

If we suspect that data has been accessed unlawfully, we will inform the relevant parties immediately and report to the Information Commissioner's Office within 72 hours. We will keep a record of any data breach.

DSARs and Processing Concerns

Data Subject Access Requests (DSARs)

Individuals have a right to make a 'subject access request' to gain access to personal information that the Pre-School holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the Pre-school Manager. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the Pre-school Manager.

It is noted that **personal data about a child belongs to that child, and not the child's parents or carers**. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, DSARs from parents or carers of pupils at the Pre-School may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

Processing Concerns

Anyone with concerns about how their data is being processed, should:

Step 1: Contact the Pre-school Manager.

Step 2: If concerns remain unresolved, utilise the Pre-school's Complaints procedure.

Step 3: Contact the Information Commissioner's Office

- www.ico.org.uk
- Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Data Retention

The following table outlines the retention periods that the Pre-school will follow, if a request to deletion of records has not been made. Some records have a legal retention period, others are a recommended retention period.

Children's records

	Retention period	Status	Authority
Children's records including registers and medication record books	A reasonable period of time after children have left the provision. The Pre-school will keep these records until after the next Ofsted inspection.	Requirement	Statutory Framework for the Early Years Foundation Stage
Children's records of accidents and injuries	Until the child reaches the age of 21	Recommendation	Limitations Act 1980
Safeguarding and welfare records (including copy of written summary of information transferred to schools)	Until the child reaches the age of 24	Recommendation	Limitations Act 1980
SEN records	25 years from the birth of the child	Requirement	Education Act 1996
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made If the occurrence involves a child then up to age 21	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 RIDDOR

Other Records

	Retention period	Status	Authority
Staff Records			
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Requirement	Chartered Institute of Personnel and Development
DBS check	6 months	Recommendations	DBS Code of Practice

	Retention period	Status	Authority
	We will maintain on employee files the reference number, the date a check was obtained and who obtained it	Requirement	EYFS
Wage/salary records (including overtime, bonuses and expenses)	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which the relate	Requirement	The Statutory Sick Pay (General) Regulations 1982
Income tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993
Staff accident records	3 years after the date the record was made	Requirement	Social Security (Clams and Payments) Regulations 1979
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	Social Security (Claims and Payments) Regulations 1979
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
Financial Records			
Accounting records	6 years from the end of the financial year	Requirement	Companies Act 2006 Charities Act 2011

	Retention period	Status	Authority
Administration Records			
Employer's liability insurance records	Permanently	Recommendation	Health and Safety Executive

Review / Version Control				
Review period - 1 year				
Version	Created	Reviewed	Initials	Changes
Data Protection (v1.0)	04/2020		DH / AP	
Data Protection Policy (v2.0)	09/2021		DH AP	Reworded with PCC as Data Controller, plus new template
Data Protection - Nov24 – v3.0	11/2024		DH AP	Updated template and added version control. Reworded and updated. Added sections including definitions and retention schedule.
Data Protection – v4.0	10/2025		DH AP	Reverted to Little Stars as Data Controller.
		09/2026	DH SH AP	Date of EYFS Statutory Framework added, moiror changes