

## Data protection Policy

Kilcoy Kindergarten complies with the Data Protection Legislation in respect of the collation, processing and storing of personal information. We respect the individual's right to confidentiality.

*Data Protection Legislation means all applicable privacy and data protection laws including the **General Data Protection Regulation (EU 2016/679)** ("GDPR") or any successor legislation to the GDPR and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time."*

Information is held for 4 main purposes:

- Staff administration and finance
- Administration of membership records
- Records relating to children's attendance, wellbeing and safety
- Data to be gathered with use in conjunction with other regulatory bodies (i.e The Highland Council, Care and Learning Alliance, Speech and Language Therapists etc)

Where possible information will be anonymised before being transferred.

In holding information we are legally bound to adhere to the Data Protection legislation (see above)

1. Personal data will be processed fairly, lawfully and in a transparent manner. We will only hold as much data as is necessary.
2. It will be obtained for specific, explicit and legitimate purposes and not processed in a manner incompatible with those purposes.
3. It shall be adequate, relevant and not excessive for the purpose for which it was processed.
4. It shall be accurate and kept up to date. Confidential information will be kept securely according to policy and disposed accordingly
5. Information will not be kept for longer than necessary for purpose. Kilcoy Kindergarten's information falls into several categories with different storage and retention timescales as below. After such time has passed, the information and files will be destroyed or deleted in accordance with Data Protection guidance.
  - Records of attendance will be kept for one year after the child has left the Kilcoy Kindergarten service.

- Where a child has specific personal circumstances e.g. around complex additional support, records will be retained, including care plans for 10 years from the child leaving the nursery setting.
- All other Child's Plans will be destroyed securely when the child leaves Kilcoy Kindergarten
- Children's Profiles and observation notes will become the property of the parents/ carer when the child leaves Kilcoy Kindergarten. No copies will be held by Kilcoy Kindergarten.
- Accident and incident records will be retained for 5 years following the child leaving the setting.
- Insurance certificates will be retained for 40 years.
- Staff employment records will be retained for 6 years.
- Accounts/ financial records will be retained for the current year plus 6 years previous.
- Pension Scheme records will be retained for 12 years following the ending of any benefit payable under the scheme.
- Child Concern Forms that pertain to a child's safety and which originated from Kilcoy Kindergarten will be retained permanently.
- Previous membership contact information will be removed as and when this changes and is updated.

6. Kilcoy Kindergarten will be alert of the rights of individuals.

Individuals have a right to apply to the company for a description of the personal data, details of the purpose for which the data has been processed, details of the recipients of that data, the source and, where appropriate, to request that inaccurate data is corrected or erased. They have a right to object to processing of data which is likely to cause damage or distress. Details of how to do this are on the Kilcoy Kindergarten website or by contacting the main office.

7. Appropriate technical and organisational measures shall be taken against unlawful processing of personal data and accidental loss or damage to this data.

8. Data will not be transferred out of the European Economic area unless that country ensures 'An adequate level of protection for the Rights and Freedom of Data Subjects'.

All requests for the provision of Kilcoy Kindergarten data should be made in by contacting our Administrator Officer on 01463 871522 or in writing to the Manager:

North: Kilcoy Kindergarten (North)	South: Kilcoy Kindergarten (South)
Kilcoy	Blairdhu
Muir of Ord	Killearnan
IV6 7SF	Muir of Ord
	IV6 7RT

All information held will be treated as confidential and will only be accessed by appropriate staff with exception being made only where:

- Failure to share information puts a child at risk.
- Failure to share information puts the service user at risk.
- Information is required by the Police or Social Services and is supported by the appropriate documentation.

It is recognised that some Kilcoy Kindergarten employees will have access to and knowledge of personal and sensitive information in the course of their employment. All employees must be familiar with the restrictions and obligations set out in Data Protection Legislation and adhere to the requirements thereof at all times.

Staff must follow procedure to ensure their digital information is kept secure at all times. This may include, but not limited to, ensuring passwords, encryptions and cyber security software such a virus protection are up to date and used on all devices that may allow external access to confidential information or data.

To adhere to the Data Protection Legislation, and in the interest of good working relationships and harmony within the organisation, individuals should not discuss the performance of colleagues or clients unless it is within a recognised forum i.e. support and supervision, or through the grievance procedure. There should be the utmost care taken to protect the confidentiality of any information regarding children, families and staff, either verbal or online, while in a public space such as on public transport.

Compliance with this policy is a condition of employment and any breaches may lead to disciplinary action and criminal proceedings.

Updated: 03.07.18

If staff become aware of a Data Protection Breach, such as the accidental loss of files, theft of a laptop or cyber attack, they must follow the Breach Protocol immediately.

Queries should be directed to the Administrative Officer on 01463 871522 or [jen@kilcoykids.co.uk](mailto:jen@kilcoykids.co.uk).