



GENERAL DATA PROTECTION REGULATION POLICY

RELATED DOCUMENTS

Admissions Policy and Procedure
Child Observation and Assessment Policy and Procedure
Confidentiality Statement
SEND Policy and Procedure
Complaints Policy and Procedure
COVID-19 Policy and Procedure
Drop off and Collection Procedure
Equal Opportunities Policy and Procedure
Illness Policy and Procedure
Medicines Policy and Procedure
Visitors Policy and Procedure
Whistle Blowing Policy and Procedure
Privacy Statement
Working with Parents Policy and Procedure

The General Data Protection Regulation (GDPR) is a EU law that came into effect on 25th May 2018 replacing the current Data Protection Act 1998. It gives individuals greater control over their own personal data. As an Early Years setting it is necessary for us to collect personal information about the children who attend as well as staff and parents/carers.

The Lindens is registered with the Information Commissioner's Office, ICO, under reference: ZA792154

GDPR PRINCIPLE

GDPR condenses the Data Protection Principles into 8 areas, which are referred to as the Privacy Principles. They are:

1. You must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. You must only use the data for the reason it is initially obtained.
3. You must not collect any more data than is necessary.
4. It must be accurate and there must be mechanisms in place to keep it up to date.
5. You cannot keep it any longer than needed.
6. You must protect the personal data.
7. You must have appropriate measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction/damage to personal Data.
8. Personal Data shall not be transferred to any outside agency or country within the EU that does not comply with the new General data protection regulations.

The GDPR provides the following rights for individuals:

- The right to be informed.



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- 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.

There are two main roles under the GDPR; the data controller and the data processor. As an Early Years setting, we are the data controller. When working with other companies we have a responsibility to ensure that other companies we work with are also GDPR compliant.

LAWFUL BASIS FOR PROCESSING DATA

We must have a lawful basis for processing all personal data within our organisation and this is recorded on our Information audit for all the different information we collect. The six reasons as follows:

- (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests: the processing is necessary to protect someone's life.
- (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

For the majority of data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage.

Some data we collect, for example, observation of children's behaviour, requires parents/carers to give consent for us to do so. Where this is the case, parents/carers will be required to sign a consent form to 'opt in' and are made aware that they have the right to withdraw their consent at any time.

We may also be required to collect data as part of a parent's/carer's contract with the setting or local authority, for example, for us to claim government funding.

DATA RETENTION

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see a copy of the Retention periods for records below.

