

## **The Butterfly Preschool Privacy Policy – General Data Protection Regulation 2018**

Policy came into effect from 25<sup>th</sup> May 2018. Date of next review May 2020

The Butterfly Preschool aims to ensure that all personal data collected about staff, pupils, parents, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR), which will come into effect in the UK on 25<sup>th</sup> May 2018 and the expected provisions of the Data Protection Act 2018 as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

This privacy policy sets out how The Butterfly Preschool uses and protects any information that you give The Butterfly Preschool when you use the nursery or our website.

The Butterfly Preschool is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified when using our nursery or our website, then you can be assured that it will only be used in accordance with this privacy statement.

### **What is personal information?**

Personal information is any information relating to an identified or identifiable individual. This may include name, contact details, educational and health information, ethnic group, financial information, photographs and video recordings.

### **Why does The Butterfly Preschool collect and use personal information?**

Our main reason for using your personal information is to provide educational and caring services for your child/ren. Whilst the majority of information you provide us with is mandatory, some of it is provided to us on a voluntary basis. We will inform you when you have a choice, in order for us to comply with the data protection law. The reasons for using information is set out below and the time period for retention of this information is set out in table 1.1.

1. Information is given to us on your registration forms and from a child's previous setting. We may also seek information from professionals such as specialists or the local authority that might be working with your child.
2. Information about any family circumstance which might affect your child's welfare.
3. Information about a court order or criminal offence that relates to you. This is so we can safeguard the welfare and wellbeing of your child and the other children.
4. CCTV is used throughout the building to make sure children and staff are kept safe.
5. Photographs and videos are kept for your child's development and progress checks.
6. Financial information about you in relation to payment of fees.

### **Sharing personal information**

We will not normally share personal data with anyone else, but may do so where:

1. There is an issue with a child or parent that puts the safety of our children, staff or parents at risk
2. We need to liaise with other agencies – we will seek consent where appropriate before doing this
3. A serious incident has taken place at the nursery and insurance companies, emergency services and Ofsted need to be informed
4. Your child leaves us to attend another setting, we may provide the other setting with information about you or your child for example safeguarding issues
5. A supplier or contractor needs data to help us run the nursery properly

### **Legal grounds for using your information**

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

- The data needs to be processed so that the nursery can fulfil a contract with the individual, or the individual has asked the nursery to take specific steps before entering into a contract
- The data needs to be processed so that the nursery 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 nursery, 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 nursery 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

### **Subject access requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that the nursery 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, is being, 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 or email to the DPO. 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 DPO.

### **Photographs and videos**

As part of our nursery activities, we may take photographs and record images of individuals within our nursery. Examples of how images may be used within nursery include:

1. As part of a learning activity; e.g. a teacher photographing the children at work and then sharing the pictures in the classroom, allowing them to see their work and make improvements.
2. For presentation purposes around the nursery; e.g. in wall displays or slideshows that celebrate children's work and achievements (we will not use a child's name beside a photograph of them)
3. As part of a recorded lesson observation; e.g. teachers using video to help them review and evaluate their practice, and discuss their lesson with other staff in order to develop their teaching.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photographs and/or videos will be used to both the parent/carer and pupil. Uses may include:

1. Nursery brochures, newsletters, prospectuses etc.
2. Online on our nursery website or social media pages
3. In a presentation about the nursery and its work, in order to share its good practice with other nurseries or educators
4. In the media (very rarely); e.g. if a newspaper photographer or television film crew attend an event.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further. When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

See our child protection and safeguarding policy for more information on our use of photographs and videos.

### Retention Periods for Records

Below is a list of information we keep and the time it is retained on nursery systems.

<b>Children's Records</b>	<b>Retention Period</b>	<b>Status</b>	<b>Authority</b>
Children's records – including registers, medication records and accident records pertaining to the children	Until the child reaches the age of 21 – or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980  Normal limitation rules are postponed until a child reaches 18yrs of age
	A reasonable period of time after children have left the provision for example after the next Ofsted inspection.	Requirement	Statutory framework for Early Years Foundation Stage
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
<b>Personnel Records</b>	<b>Retention period</b>	<b>Status</b>	<b>Authority</b>
Personnel files and training records	6 years after employment ceases	Recommendation	Chartered Institute of Personal and Development
DBS Check	6 months	Recommendation	DBS Code of Practice  The following basic info should be retained after the certificate is destroyed; date of issue, name of subject, type of disclosure, unique reference number, details of recruitment decision taken

<b>Pay</b>			
Wages records	6 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay	3 years after the end of tax year to which related	Requirement	The Statutory Maternity Pay Reg 1986
Statutory Sick Pay	3 years after the end of tax year to which related	Requirement	The Statutory Sick Pay Reg 1982
Income tax and National Insurance returns/records	At least 3 years after the end of the tax year which they relate	Requirement	The Income Tax Regulation 1993
Redundancy details	6 years after employment ends	Recommendation	Chartered Institute of Personnel and Development
<b>Health &amp; Safety</b>			
Staff Accident records	3 years after the record was made	Requirements	Social Security Regulation 1979
Record of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

**Data Controller:** The Babydrop LTD (The Butterfly Preschool) 32b Webbs Road, London, SW11 6SF 0207 738 0019 [www.thebutterflypreschool.co.uk](http://www.thebutterflypreschool.co.uk)

**Data Protection Officer (DPO):** Charlotte Butterfill 0207 738 0019 [charlotte@thebutterflypreschool.co.uk](mailto:charlotte@thebutterflypreschool.co.uk)