

# The Enchanted Rose Garden Nursery and Preschool



## *Data Protection Policy*

### **1. Statement of intent**

The Enchanted Rose Garden Nursery and Preschool is fully committed to comply with the requirements of GDPR (General Data Protection Regulation) Set out in the European legislation May 25th 2018. The Enchanted Rose Garden Nursery and Preschool will therefore follow procedures that aim to ensure that all employees are fully aware of and abide by their duties and responsibilities under these changes in legislation.

### **2. Aim**

In order to operate efficiently, The Enchanted Rose Garden Nursery and Preschool has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of the local authority, DBS company, OFSTED or the police. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within this legislation to ensure this. The Enchanted Rose Garden Nursery and Preschool regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence. The Enchanted Rose Garden Nursery and Preschool and those with whom it carries out business. The Enchanted Rose Garden Nursery and Preschool will ensure that it treats personal information lawfully and correctly.

### **3. Methods**

The GDPR legislation stipulates that anyone processing personal data must comply with six Principles of good practice.

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

The GDPR legislation provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **"sensitive" personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual. Sensitive personal data is defined as personal data consisting of information as to:
  - Racial or ethnic origin;
  - Political opinion;
  - Religious or other beliefs;
  - Trade union membership;

- *Physical or mental health or condition;*
- *Sexual life;*
- *Criminal proceedings or convictions.*

#### **4. Handling of personal/sensitive information**

*The Enchanted Rose Garden Nursery and Preschool will, through appropriate management and the use of strict criteria and controls:-*

- *Observe fully conditions regarding the fair collection and use of personal information;*
- *Meet its legal obligations to specify the purpose for which information is used;*
- *Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;*
- *Ensure the quality of information used;*
- *Apply strict checks to determine the length of time information is held;*
- *Take appropriate technical and organisational security measures to safeguard personal information;*
- *Ensure that personal information is not transferred abroad without suitable safeguards;*
- *Ensure that the rights of people about whom the information is held can be fully exercised under the GDPR legislation.*

*These include:*

- *The right to be informed that processing is being undertaken;*
- *The right of access to one's personal information within the statutory 40 days;*
- *The right to prevent processing in certain circumstances;*
- *The right to correct, rectify, block or erase information regarded as wrong information.*

*All managers and staff of The Enchanted Rose Garden Nursery and Preschool will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:*

- *Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;*
- *Only members of management have access to staff files.*
- *Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;*
- *Individual passwords should be such that they are not easily compromised.*

#### **5. Notification to the Information Commissioner's Office**

*The Information Commissioner maintains a public register of data controllers and The Enchanted Rose Garden Nursery and Preschool is entered on this register. The GDPR legislation requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.*

*The registered data controllers for The Enchanted Rose Garden Nursery and Preschool is: **Ms Samantha Rennie, Director and Nursery Manager Nurture in Nature Ltd** and is the person responsible for notifying and updating the Information Commissioner's Office.*

*The register entry for The Enchanted Rose Garden nursery and Preschool contains personal data held for 6 purposes.*

- 1. Staff Administration*
- 2. Advertising, Marketing and Public Relations*
- 3. Accounts & Records*
- 4. Provision of Child Care*
- 5. Education*
- 6. Crime Prevention & Prosecution of Offenders*

## **6. Special Provisions**

**6.1** CCTV The Enchanted Rose Garden Nursery and Preschool is dedicated to providing the highest standards in care and education for nursery and pre-school children. A Closed Circuit Television (CCTV) system provides a way of improving the safeguarding of children and staff who attend the setting. The CCTV system is owned solely by The Enchanted Rose Garden Nursery and Preschool and has been installed to fulfil the following objectives:

1. To protect the assets of The Enchanted Rose garden Nursery and Preschool.
2. To increase personal safety and reduce the fear of crime, in particular, access to the building by people whose intent is to cause harm to children or staff of The Enchanted Rose Garden Nursery and Preschool.
3. To support the police in a bid to deter and detect crime.
4. To assist in identifying, apprehending and prosecuting offenders.
5. To protect members of the public and private property & staff.

### **6.2 Practice**

The CCTV system is registered with the Information Commissioners Office and follows the requirements of the GDPR legislation. The Enchanted Rose Garden Nursery and Preschool will seek to comply with the requirements both of the Data Protection Act and the Commissioners Code of Practice. The Enchanted Rose Garden Nursery and Preschool will treat the CCTV system and all images, information, documents and recordings obtained and used as data which are protected by the Act in the strictest confidence. CCTV Cameras will be used on request to monitor activities within the Main Reception, Entry of the Office, Mighty Oaks Room, Sensory Room and front entrance. For reasons of crime prevention and unlawful access to the building outside of The Enchanted Rose Garden Nursery and Preschool hours, the system is in continuous operation. Children's changing areas and all toilets in the building are deemed inappropriate for monitoring purposes. These areas are not covered by the CCTV cameras. Private dwellings and property are not covered by the CCTV cameras. Unless an immediate response to events is required, staff must not direct cameras at an individual, their property or a specific group of individuals, without an authorisation being obtained, as set out in the Regulation of Investigatory Power Act 2016. Images will only be released to the police for use for the investigation of a specific crime and with the written authority of the police. Images will not be released to the media unless this has been agreed by parents/carers or other individuals who are pictured in the images. No images will be released to anyone for the purposes of entertainment. The planning and placement of CCTV cameras has sought to ensure that the system will give maximum effectiveness and efficiency for its registered purposes, but it is not possible to guarantee that the system will cover or detect every single incident taking place in the areas of coverage. Signage stating the use of CCTV, as required by the Code of Practice of the Information Commissioner has been placed at all access routes to areas covered by the CCTV system and additionally directly beneath each camera.

### **6.3 Operation of the system**

The scheme will be managed by Samantha Rennie & Sandra Zubyte, in accordance with the principles and objectives expressed in this policy. The control panel will only be operated on request by either Samantha Rennie or Sandra Zubyte, joint owners and partners of The Enchanted Rose Garden Nursery and Preschool. The CCTV system will be in operation on request.

### **6.4 Control of Cameras**

The Manager or Deputy Manager/s will, on request check that all cameras are functional from Verisure App. Unless an immediate response to events is required, staff will not direct cameras at an individual or a group of individuals.

## **7. Access to records**

*7.1 By legal authorities Recording media may be viewed by designated operators and the police for the prevention and detection of crime. A record will be maintained of the release of records to the police or other authorised applicants. Viewing of records by the Police must be recorded in writing in the log book. Requests by the Police can only be actioned under legislation in GDPR. Should a record be required as evidence, a copy may be released to the police under the procedures described in this policy. Records will only be released to the police on the clear understanding that the record remains the property of The Enchanted Rose garden Nursery and Preschool, and both the record and information contained on it are to be treated in accordance with this code. The Enchanted Rose Garden Nursery and Preschool retains the right to refuse permission for the police to pass on the record or any part of the information contained therein to any other person. The Police may require The Enchanted Rose Garden Nursery and Preschool to retain the stored records for possible use as evidence in the future. Such records will be properly indexed and securely stored until they are needed by the police. Applications received from other external bodies (e.g. solicitors) to view or release records will be referred to Samantha Rennie and Sandra Zubyte the registered controllers.*

### **7.2 Access by the Data Subject**

*GDPR Data Subjects (individuals to whom “personal data” relate) with a right to view data held about themselves, including those obtained by CCTV.*

*Requests for Data Subject Access should be made in writing to Samantha Rennie. In most cases a valid subject access request will receive a response within 40 calendar days of receiving the request. If an individual requires a copy of any images recorded on the CCTV system, then this will be subject to a charge to cover the cost of producing the material, as previously outlined. Digital recordings will be kept for a maximum of 28 days, unless specific incidents have been recorded subject to further investigation.*

## **8. Breaches of the code (including breaches in security)**

*Any breach of this policy by The Enchanted Rose Garden Nursery and Preschool staff will be initially investigated by Samantha Rennie and Sandra Zubyte the registered controllers in order, for them to take appropriate disciplinary action. Any serious breach of the Code of Practice will be immediately investigated, and recommendations made on how to prevent any repetition of the breach.*

## **9. Complaints**

*Any complaints about the recording and storage of data, including images recorded by the CCTV system, should be made in writing, and addressed to*

*Sandra Zubyte (Operations Manager)  
The Enchanted Rose Garden Nursery and Preschool  
60-64 Northfield Road  
Birmingham  
B30 1JH*

*All complaints will be investigated in accordance with this policy.*

*Reviewed by Samantha Rennie and Sandra Zubyte*

*Review date November 2020*

*Next Review date September 2020*

