



Ladybird Playgroup Thriplow CIO – Data Protection Policy

School Lane, Thriplow, Royston, Herts, SG8 7RH

CIO Charity Number 1162435

Tel: 01763 208055 Email: ladybirdplaygrouphthriplow@gmail.com Web: www.ladybird-playgroup.co.uk

Data Protection Policy

Statement of Intent

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. GDPR came into effect on 25th May 2018. GDPR states that personal data should be '*processed fairly & lawfully*' and '*collected for specified, explicit and legitimate purposes*' and that individual's data is not processed without their knowledge and is only processed with their 'explicit' consent. GDPR covers personal data relating to individuals.

Ladybird Playgroup Thriplow CIO is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data. The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Aim

Personal information is defined as any details relating to a living, identifiable individual. Within Ladybird Playgroup Thriplow CIO this applies to employees, trustees, volunteers, members, clients and other members of the public such as job applicants and visitors.

We record and share information about children and their families (data subjects) in line with the six principles of the General Data Protection Regulations (GDPR) (2018) which are further explained in our Privacy Notice that is given to parents at the point of registration and is available on our website.

In accordance with GDPR, the six principles state that personal data must be:

1. Processed fairly, lawfully and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.
4. Accurate and where necessary, kept up to date.
5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the data is processed.
6. Processed in a way that ensures appropriate security of the persona data including protection against accidental loss, destruction or damage, using appropriate technical or organisational measures

In addition, GDPR provides the following rights for individuals which we comply with as set out below:



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1. **The right to be informed** – Ladybird Playgroup Thriplow CIO complies with this by making sure that we have appropriate policies and Privacy Notices in place, that we seek explicit permission for use of data.
2. **The right of access** – At any point an individual can make a request relating to their data and Ladybird Playgroup Thriplow CIO will need to provide a response (within 1 month). Ladybird Playgroup Thriplow CIO can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision. To make a request, individuals can contact Ladybird Playgroup Thriplow CIO verbally or in writing.
 - **The right to rectification** – Individuals can request that inaccurate personal data is rectified, or completed if it is incomplete. An individual can make a request for rectification verbally or in writing. Ladybird Playgroup Thriplow CIO has one calendar month to respond to a request. In certain circumstances Ladybird Playgroup Thriplow CIO can refuse a request for rectification.
3. **The right to erasure** – At any time, anyone can request that the personal data Ladybird Playgroup Thriplow CIO hold on them should be erased. This can be done verbally or in writing. However, Ladybird Playgroup Thriplow CIO has a legal duty to keep children's and parents details for a reasonable time. Full details of the timescales in place are set out in our Data Audit which is available on request.
4. **The right to restrict processing** – Anyone can object to Ladybird Playgroup Thriplow CIO processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications. Such a request can be made verbally or in writing.
5. **The right to data portability** – Ladybird Playgroup Thriplow CIO requires data to be transferred from one IT system to another; such as from Ladybird Playgroup Thriplow CIO to the Local Authority. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.
6. **The right to object** – Anyone can object to their data being used for certain activities like marketing or research. Objections can be made verbally or in writing. Ladybird Playgroup Thriplow CIO has one calendar month to respond to such objections.
7. **Rights in relation to automated decision making and profiling** - Automated decisions and profiling are used for marketing based organisations. Ladybird Playgroup Thriplow CIO does not use personal data for such purposes.

Ladybird Playgroup Thriplow CIO is registered with the ICO (Information Commissioners Office).



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Procedure

Policies

In order to comply with GDPR, Ladybird Playgroup Thriplow CIO has adopted a suite of policies which set out how we will meet data protection requirements. This policy forms one of this suite. The remaining documents include:

Information Sharing Policy - this policy sets out how we will maintain records and obtain and share information in the setting to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

Transfer of Records Policy – this policy sets out what data can be shared with other settings/schools, how it will be shared and on what basis or why the information is shared.

Working in Partnership with other Agencies – this policy sets out how we will work with other agencies and share data with them.

Provider Records – this policy sets out the information we obtain and use in order to operate Ladybird as a business. It includes how we ensure the data is protected and how and when we will dispose of it.

Children's Records Policy – this policy sets out what data we collect in relation to the children, why we collect the data and how long we will keep it.

Confidentiality and client access to records – this policy sets out how records are kept confidential and how client requests to view the records will be dealt with.

Accessing/Transporting Data Offsite

In addition to the policies, we have reviewed the need to transport data offsite. There are some instances where it is essential to transport data and use it offsite. We have ensured that this complies with the measures set out by the ICO.

Over and above this on 15th January 2018, Ladybird Playgroup Thriplow CIO secured explicit consent from Ofsted to confirm that the measures proposed met their requirements as set out in paragraphs 3.68 – 3.70 of the EYFS framework.

These measures are set out below and Appendix 1 and 2 includes a copy of the detailed emails where this process was agreed.

1. Ladybird Playgroup Thriplow CIO will have a cloud-based information system which will only be accessed with a username and password and which will be managed by the CIO Trustees. Each



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member of staff will have an individual username and password which will allow them access to their own Key Children's information only (with the exception of the Manager who will have access to all documents). Reports will be completed directly on to the cloud-based system.

2. Staff will be encouraged to complete as much of their paperwork as possible within the setting. To achieve this, we will offer PPA time each week during staff's working hours. However, we recognise that staff will need more time than we can offer during working hours. We will therefore also purchase a new laptop and ipads for use during PPA time which will be allocated on a rota basis and which will also be available for part-time staff to use in setting outside their normal working hours (but within Ladybird's hours of use for the building).
3. As the building is in use by other groups outside of Ladybird hours, we recognise that full time staff will need to complete reports off-site and part-time staff may have other commitments which make completing paperwork in house during Ladybird hours difficult. Where paperwork must be completed off-site, staff will work off the cloud-based system and will log-on from home. They will follow Ladybird Playgroup processes to ensure that no third parties have access to the information available on the cloud-based system (i.e. never leaving the computer unattended, logging off when leaving, not saving or writing down usernames and passwords, not discussing sensitive material with people outside of the setting etc.).
4. When staff need to work from home, with the system we currently operate, we recognise there will be a need to take home children's observations to process these. We recognise that this could risk a data protection leak and therefore require staff to observe the following process:
 - i. Observations will be written on plain paper (no reference or header referring to Ladybird)
 - ii. Children's names will be anonymised by using initials only.
 - iii. No observations will include safeguarding issues.
 - iv. On the day they are taking them home, each Member of staff will sign out how many observations are being taken home and which children they refer to. They will sign them back in when they return them and then give them immediately to our Administrator to be shredded.
 - v. All staff will sign the Confidentiality Agreement which will require that the observations are transported in a single file which can be shut and that the observations are not shared or discussed with anyone outside of Ladybird setting.



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6. All photographs taken will be uploaded directly on to the laptop and then deleted from the camera immediately. Alternatively, they will be uploaded from an iPad to a secure online cloud-based learning journal directly. These photographs can only be used for assessing and reporting on the children and not for any other purposes unless otherwise agreed by the parent or guardian.
7. The staff laptop and ipads will remain in setting at all times and will be kept in a locked cupboard when not in use. The same data protection processes apply at home as in setting in terms of ensuring no third party has access to sensitive information.
8. The Administrator will be able to take home her laptop in order to complete her work offsite, but this laptop will be password protected and the Administrator will sign a Confidentiality Agreement to ensure that confidential data is not shared with or accessed by any third parties.

Data Sharing

Ladybird Playgroup Thriplow CIO is committed to ensuring that personal data remains confidential.

In accordance with GDPR, we ensure that all third parties that we share data with comply with GDPR. Where required we enter into Data Sharing Agreements.

Privacy Notices

Ladybird Playgroup Thriplow CIO has a Privacy Notice for Parents, Staff, Trustees and for the website to clearly summarise what data will be collected, what it will be used for, how we will store it and when we will dispose of it.

Data Audit

Ladybird Playgroup Thriplow CIO has conducted a detailed Data Audit which sets out what information we collect, how we store it, how long we keep it and why we keep it for this long. This is available to view upon request.

Updates

All of the above documents will be regularly reviewed and updated.

Legal framework

- *General Data Protection Regulations (GDPR) (2018)*



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This policy was adopted at a meeting of the Ladybird Playgroup Thriplow CIO	
Held on (date)	
Signed on behalf of the Ladybird Playgroup Committee	
Role of signatory (e.g. chairperson etc.)	
Signed by Playgroup Leader/Deputy	
Name of Playgroup Leader/Deputy	



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APPENDIX 1

The following processes have been agreed at Ladybird Playgroup Thriplow CIO with Ofsted to ensure appropriate data protection measures are in place when accessing confidential information offsite.

From: Ofsted <enquiries@ofsted.gov.uk>
Sent: 12 January 2018 09:37:15
To: Meghan Bonner
Subject: Re: Data Protection query

Dear Ms Bonner

Thank you for your e-mail.

Ofsted regulates all provisions in accordance with the *Early Years Foundation Stage* and the *Registration requirements of the Childcare Register (Annex C)*.

In particular, the requirements state that Page 30, point 3.69. Records must be easily accessible and available **(with prior agreement from Ofsted or the childminder agency with which they are registered, these may be kept securely off the premises)**. Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them. Providers must be aware of their responsibilities under the Data Protection Act (DPA) 1998 and where relevant the Freedom of Information Act 2000.

The provider or Nominated Individual would need to send the request in writing to for the attention of the regulatory team. This request can be emailed to enquires@ofsted.gov.uk, faxed to 0300 123 3159 or posted to:

Regulatory Team

Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2WD

In your request, we will need to know the following:

- Which records you wish to keep off premises



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- How they are kept confidential
- How you have risk assessed their storage and transportation
- How will you ensure records are only be accessible to those who have a right or professional need to see them

If you wish for staff keep children records off site please advise:

- why you are not able to organise for staff to update records on the premises
- How will you keep children's identity private
- Confirm the records will contain no images of children
- What will you do if the staff member is sick or leaves without returning the records

If you require any further assistance, you should contact your local council, who should have a childcare or early years team that can provide support. As the regulatory body for childcare providers, we are not able to provide further advice on complying with the requirements of registration.

Regards

Velesha Ahmad

Ofsted - Applications, Regulatory and Contact team

Telephone: 0300 123 1231

Email: enquiries@ofsted.gov.uk

Website: www.gov.uk/ofsted

Ofsted on Twitter at: <http://twitter.com/ofstednews>

If you are a provider and are contacting the general helpline you will need your Unique Reference Number (URN), date of birth and postcode.



Have you given your views on your child's school? <http://www.parentview.ofsted.gov.uk/>

The information in this email and any files transmitted with it may be of a confidential nature and is intended solely for the addressees. If you are not the intended recipient, any disclosure, copying or distribution by you is prohibited and may be unlawful.



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From: Meghan Bonner (meghanbonner@hotmail.co.uk)

Sent: 2018/01/15 00:53

To: General Enquiries

Subject: Re: Data Protection query

Question:

Dear Sir/Madam,

Thank you for your email. We would therefore like to seek approval on having data accessible off site. I will set out our request as per your bullet headings

We are making the following request as our building is in use by others outside our normal working day and there isn't sufficient time available for staff to complete their Key Children's progress reports on site. We are therefore seeking a safe and secure method of transporting as little information as possible home but sufficient for the staff to be able to complete the reports at home when necessary. We are also seeking permission to allow our Administrator to take her Laptop home to allow her to work from home. No other data we hold on our children will leave site.

- Which records you wish to keep off premises
 - We wish for staff to be able to take home paper copies of Observations they have made on the children.
 - We wish for staff to be able to access child reports at home by logging into a secure cloud based system and update the reports from home using the Observations as above.
 - We wish to secure permission for our Administrator to take her laptop which contains data on the children home to be able to work from home. Our administrator is responsible for admissions, payroll, policies and procedures as well as most other administration-related matters pertaining to the playgroup.
- How they are kept confidential
 - The Observations will be written on plain paper with no reference to Ladybird Playgroup Thriplow. The children's names will be anonymised by only using their initials. All observations will only be positive and will not include any safeguarding or child protection matters. The Observations will not contain any personal details (i.e. full name, address, date of birth etc). The staff will each have a closable folder in which to transport the Observations. All staff will be required to sign a confidentiality agreement confirming that any Observations they take home or any Ladybird data they have access to from home must be kept confidential at all times. Staff will sign out and sign in the Observations and once returned they will be shredded on site.



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- Staff will only have access to their Key Children's data through the cloud based system (except for the Manager who will have access to all). All staff will have a unique login and password to access the data which they will be required to change regularly. Staff will sign a Data Protection policy to agree to ensure the data is not accessed or viewed by any other person whilst working from home.
- The Administrator's Laptop will be subject to password protection and the Administrator will sign the confidentiality agreements as above.
- How you have risk assessed their storage and transportation.
 - We have reviewed the ICO's data protection guidelines and discussed the approach with advisors in the LA.
 - We have considered other options such as using flash drives to transport the data but considered these to be much higher risk. On reviewing the options, we felt this approach was the most risk-adverse method.
- How will you ensure records are only be accessible to those who have a right or professional need to see them.
 - All staff will sign a confidentiality agreement which will include a demand on the staff member to ensure that the information is not seen or accessed by anyone else and that once work has been completed the staff is immediately required to sign off so no one else could accidentally access the data.
 - Staff will only be able to access information which is absolutely essential to the role they need to carry out at home.
 - All information will be password protected
 - Paper Observations and the Administrator's laptop will be signed in and signed out. The Observations will be shredded upon return.

If you wish for staff keep children records off site please advise:

We do not wish to keep the child's personal records off site but we do wish for staff to be able to access their progress reports and update them from home.

- why you are not able to organise for staff to update records on the premises
 - We do not own the premises and the building is in use by other parties when not in use by Ladybird. There is therefore insufficient time available to use the building to be able to complete the children's reports onsite. We do offer PPA time during working hours to allow staff to be able to update the records and where possible staff come in on their days off to complete them on site, but two staff members work full time and therefore this isn't



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possible for them and it is not always possible for the other staff members to complete the reports during the available time due to existing commitments.

- How will you keep children's identity private
 - The reports would be online, accessible only via a password protected system.
 - All staff will sign a confidentiality agreement which includes a demand on the staff member to ensure that the information is not seen or accessed by anyone else and that once work has been completed the staff is immediately required to sign off so no one else could accidentally access the data.
 - Staff will only be able to access information which is absolutely essential to the role they need to carry out at home.
- Confirm the records will contain no images of children
 - The children's progress reports will not contain photographs of the children.
- What will you do if the staff member is sick or leaves without returning the records.
 - Our Administrator will be able to block access to the cloud remotely and would do so as necessary.
 - We would request the Observations and/or laptop to be returned to us as Ladybird property and under the Data Protection Policy staff have signed.

I hope this answers your questions but please let me know if you need any other information.

I look forward to hearing from you as to whether the above approach is accepted.

Kind regards,

Meghan Bonner

Ladybird Playgroup Thriplow

regulatoryteam regulatoryteam@ofsted.gov.uk

Mon 15/01/2018, 15:06



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Dear Ms Bonner

Request to keep records off the premises

I confirm that you may keep records off the premises for the circumstances as stated in your email dated 15/01/2018.

Please note that as stated on 3.68 – 3.70 of the EYFS framework:-

- records must be easily accessible and available for inspection by Ofsted
- confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them
- be aware of your responsibilities under the Data Protection Act 1998 and Freedom of Information Act 2000
- records relating to individual children must be retained for a reasonable period of time after they have left the provision

If you have any questions please contact us on 0300 1231231.

Yours sincerely

Jon Jakeman

Regulatory Officer

ARC Team



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Tel: 0300 1231231

----- Cention Contact Center - Original message -----

Errand: #289664-6



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APPENDIX 2

The following processes have been agreed at Ladybird Playgroup Thriplow CIO with Ofsted to ensure appropriate data protection measures are in place when accessing confidential information offsite.

Errand: #587792-1

From: Sabrina Walston [REDACTED]

Sent: 2019/02/08 16:39

To: General Enquiries

Subject: Inspection notification and Tapestry

Question:

Dear Ofsted

[REDACTED]

Secondly, I wanted to notify Ofsted that Ladybird Playgroup Thriplow is moving to using Tapestry. The tablets that are being used are passcode protected. Employees are able to take the tablets home, which must be signed out and signed back in. The tablets are transported in cross body bags with suitable fastenings, so the tablets cannot fall out. Please let me know if you need any further information from me regarding this? Please can you also confirm this is acceptable?

Kind regards

Sabrina

From: regulatoryteam <regulatoryteam@ofsted.gov.uk>

Subject: FW: [Ofsted:135686] 2019/02/16 12:38 Fwd: Re: Inspection notification and Tapestry

Date: 22 February 2019 at 10:28:08 GMT

To: [REDACTED]

Good Morning,

I confirm that you may keep records off the premises for the circumstances as stated in your email dated 21 February 2019.

Please note that as stated on 3.68 – 3.70 of the EYFS framework:-

- records must be easily accessible and available for inspection by Ofsted



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- confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them
- be aware of your responsibilities under the Data Protection Act 1998 and Freedom of Information Act 2000
- records relating to individual children must be retained for a reasonable period of time after they have left the provision

If you have any questions please contact us on 0300 1231231.

Yours sincerely

Kind Regards

Beth Quinn

Regulatory Officer

Ofsted - Applications, Regulatory and Contact team

Telephone: 0300 123 1231

Email: enquiries@ofsted.gov.uk

Website: www.gov.uk/ofsted

Ofsted on Twitter at: <http://twitter.com/ofstednews>