



General Data Protection Regulation Policy

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and 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 individuals' data is not processed without their knowledge and are only processed with their 'explicit' consent. GDPR covers personal data relating to individuals. Galaxy Explorers Day Nursery 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. Galaxy Explorers Day Nursery is registered with the ICO (Information Commissioners Office) under registration reference: A8632827 and has been registered since 1 March 2020.

GDPR includes 7 rights for individuals

1) The right to be informed

Galaxy Explorers Day Nursery is a registered Childcare provider with Ofsted (Registration Number: TBC) and as so, is required to collect and manage certain data. For example, we need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children's full names, addresses, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Southwark Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to the nursery. For example, we need to know visitors' names, telephone numbers, addresses and where appropriate company name. This is in respect of our Health and Safety and Safeguarding Policies.

As an employer Galaxy Explorers Day Nursery is required to hold data on its employees; for example, names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license, bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to UKCRBs for the processing of DBS checks.

Galaxy Explorers Day Nursery uses Cookies on its website to collect data for Google Analytics, this data is anonymous.

2) The right of access

Galaxy Explorers Day Nursery is a company registered in England & Wales. Registration No: 12250003. Registered Office: Units 2&3 Claremont House, 24-28 Quebec Way, SE16 7LF

At any point an individual can make a request relating to their data and Galaxy Explorers Day Nursery will need to provide a response (within 1 month). Galaxy Explorers Day Nursery 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.



3) The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, Galaxy Explorers Day Nursery has a legal duty to keep children's and parents details for a reasonable time*. Galaxy Explorers Day Nursery retain these records for 3 years after the child leaves the nursery, children's accident and injury records for 19 years (or until the child reaches 21 years) and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the cessation of employment, before they can be erased. This data is archived securely on site and shredded after the legal retention period.

4) The right to restrict processing

Parents, visitors and staff can object to Galaxy Explorers Day Nursery processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

5) The right to data portability

Galaxy Explorers Day Nursery requires data to be transferred from one IT system to another; such as from Galaxy Explorers Day Nursery to the Local Authority and to Early Years Log and Early Years Man and where online data storage is used such as GoogleDrive and Onedrive. These recipients use secure file transfer systems and have their own policies and procedures in place to comply with GDPR.

6) The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

7) The right not to be subject to automated decision-making including profiling.

Automated decisions and profiling are used for marketing based organisations. Galaxy Explorers Day Nursery does not use personal data for such purposes.

Storage and use of personal data

All paper copies of children's and staff records are kept in a locked office and in a locked filing cabinet. Members of staff can have access to these files, but information taken from the files about individual children is confidential and remain on site at all times. These records are shredded after the retention period.

Information about individual children is used in certain documents, such as, a daily register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period.

Galaxy Explorers Day Nursery collects a large amount of personal data every year including names and addresses of those on the waiting list. These records are shredded if the child does not attend or they are added to the child's file and stored appropriately. Information regarding families' involvement with other agencies is stored both electronically and in paper format, this information is kept in a locked office and in a locked filing cabinet at Galaxy Explorers Day Nursery. These records are shredded after the relevant retention period. Upon a child leaving Galaxy Explorers Day Nursery and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be sent electronically via a secure file transfer system or via a secure postal service or the parent may be given the data to deliver to the receiving school or new nursery setting.



Galaxy Explorers Day Nursery stores personal data held visually in photographs or video clips or as sound recordings, unless a parent does not give written permission to do so. Full names are not stored with images in photo albums, displays, on the website or on Galaxy Explorers Day Nursery social media sites. Access to office computers and the Early Years Software, GoogleDrive and OneDrive are password protected. When a member of staff leaves the company these passwords are changed in line with this policy. Any portable data storage used to store personal data, e.g. USB memory stick, external hard drive, CCTV data will be password protected and/or stored in a locked filing cabinet.

GDPR means that Galaxy Explorers Day Nursery must;

- * Manage and process personal data properly
- * Protect the individual's rights to privacy
- * Provide an individual with access to all personal information held on them

please see below for retention periods for records.

Children's Records	Retention Period	Status	Authority
Children's records - including registers, medication record books and accident record books pertaining to the children	Records should be retained for a reasonable period of time (for example 3 years) after children have left the provision	Requirement	Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
	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, The Statute of Limitations (Amendment) Act 1991 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years old.
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date on which it happened	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
Personnel Records	Retention Period	Status	Authority
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
Application forms and interview notes (for unsuccessful candidates)	1 year	Recommendation	Chartered Institute of Personnel and Development
Disclosure Barring Check (This includes everyone working, volunteering (including management	6 years after employment ceases <i>(Do not keep the disclosure document, make a note of the 5 relevant pieces of</i>	Requirement	DBS Code of Practice: Retain the following after certificate is destroyed –



committees), and people living on the premises within the childcare organisation)	<i>information as detailed in Authority column)</i>		<p>the date of issue of a Disclosure the name of the subject</p> <p>the type of Disclosure requested the position for which the Disclosure was requested</p> <p>the unique reference number of the Disclosure</p> <p>the details of the recruitment decision taken</p>
<p>Child Protection – Allegation against anyone involved within the childcare organisation (paid or unpaid)</p> <p>(store in person’s confidential file and a copy given to the individual)</p>	<p>Retained on file, including people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer.</p>	Requirement	<p>Children Act 1989/2004 Guidelines set by LSCB</p> <p>Records of the allegation must be clear and comprehensive, detailing:</p> <p>Any allegations made Details of how allegations were followed up and resolved</p> <p>Any action taken Decisions reached</p>
Pay	Retention Period	Status	Authority
Wage/salary records (including overtime, bonuses and expenses)	7 years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) records	3 years after the end of the tax year in which the maternity period ends	Requirement	The Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay (SSP) records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Sick Pay (General) Regulations 1982
Income tax and National Insurance returns/ records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after the employment ends	Recommendation	Chartered Institute of Personnel and Development
Health and Safety	Retention Period	Status	Authority
Staff accident records (for organisations with 10 or more employees)	3 years after the date of the last entry (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Records of any reportable death, injury,	3 years after the date on which it happened	Requirement	The Reporting of Injuries, Diseases and Dangerous



disease or dangerous occurrence			Occurrences Regulations 1995 (RIDDOR)
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) 1999	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 1999/2002 (COSHH)
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
Financial Records	Retention Period	Status	Authority
Accounting Records	3 years from the end of the financial year for private companies. 6 years for public limited companies 6 years for charities	Requirement	Section 386 of the Companies Act 2006 Charities Act 1993/2006
Administration Records	Retention Period	Status	Authority
Complaints record book	At least 3 years from the date of the last record. (Until next inspection as must be made available to Ofsted or relevant childminder agency)	Requirement	Early Years Foundation Stage Welfare Requirements (given legal force by Childcare Act 2006)
Insurance liability documents	40 years from date of issue	Requirement	Health & Safety Executive
Minutes/minute books	10 years from the date of the meeting for companies 6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement Requirement	Companies Act 2006 The Charitable Incorporated Organisations (general) Regulations 2012

Note:

Child protection – All documents relating to child protection i.e. referrals, contact with social care of SSCB (including LADO) for 24 years.

Closure - If Galaxy Explorers Day Nursery has to close for any reason, we will contact our legal advice line through our insurance and seek advice from the Information Commissioning Office (www.ico.org.uk) in relation to storing records.

