

## General Welfare Requirement: Documentation

Providers must maintain records, policies and procedures required for the safe and efficient management of the settings and to meet the needs of the children.

### Record keeping

#### 5.4 Data Protection

##### Policy Statement for St Joseph's Pre-school

St Joseph's Pre-School collects data on the users of the setting - both parents/guardians and children, employees of the setting and service providers to the setting. These are collected for the management of and communication within St Joseph's Pre School. This policy statement is supported by further policies: Children's Records, Provider Records, Transfer of Records, Retention Periods for Records and the Pre-school's Data Privacy Notice

St Joseph's Pre-School are a data Controller for your and your child's personal data under the applicable Data Protection Laws, including the General Data Protection Regulation (GDPR) 2018 and Data Protection Act (DPA) 2018. To this end we nominate and train a Data Protection Officer (DPO) for St Joseph's Pre-School to ensure GDPR is met and to deal with any breaches.

The Information Commissioner's Office (ICO) guidance "Sharing information to safeguard children and young people in the education sector in the UK" states that "*Children and young people under 18 have the same data protection rights as adults, but they also merit special protection.*"<sup>1</sup> Because of this statement and because children's data is classed as "special category", St Joseph's Pre-school pays an annual subscription to the ICO to be listed on their Data Protection Register. The Pre-school's reference number in this respect is ZB019647.

##### Aim

The aim of this policy is to ensure that all parents and carers are aware of how we keep their information and the circumstances in which we would share their information. A copy of our Data Privacy Notice is included within our Parent Information Pack (zip file) and is available on the Pre-school's website<sup>2</sup>.

We ensure that the data we hold is accurate, as up to date as possible and not excessive. We only collect data that we are required to in line with the Childcare Acts 2006 and 2016, and set out in the Early Years Foundation Stage (EYFS) framework, which is mandatory for all early years providers in England.

The DPA 2018 is the UK's implementation of the GDPR and this will be applied to all data processed:

- fairly, lawfully and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not for further processed in any manner that is incompatible with those original purposes;

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<sup>1</sup> As per Retical 38 of the UK GDPR

<sup>2</sup> [www.st-josephs-preschool-nympsfield.co.uk](http://www.st-josephs-preschool-nympsfield.co.uk)

- accurate and, where necessary, kept up to date, any inaccuracies are erased or rectified without delay;
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- not kept longer than is necessary for those purposes<sup>3</sup>;
- protected by appropriate technical and organizational measures against unauthorized or unlawful processing and against accidental loss, destruction or damage; and
- not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information.

## **Procedures**

St Joseph's Pre-School will collect only the personal information we need to perform our functions. We will use the information to provide appropriate care for the children at our setting, to communicate with parents/guardian, to employ appropriate members of staff, ensure satisfactory running of the services we provide. We collect the following data:

### *Child*

We will collect each child's details including name, address, date of birth, gender, first language. We are required by Gloucestershire County Council<sup>4</sup> (GCC) to check original copies of documentation to confirm each child has reached the eligible age on initial registration for all free funding entitlements, ie. the child's birth certificate. We will retain a copy of this document on the child's file which is stored securely at the setting. We also collect sensitive data including religion, health and personal care issues<sup>5</sup>.

Each child has a development record which is kept securely on Tapestry – an online learning journal. Parents are required to sign a consent form for information to be kept on Tapestry, before a child's Tapestry record is commenced. If a parent declines consent then their child's learning journey will be collated and maintained manually (ie. in paper format).

The online version can be accessed and contributed to by staff, and the child's parents and any other carer or relative that has been authorised access by both the child's parents and the Pre-school. User permissions are set by the Pre-school on the account for parents/carers to allow or restrict access to certain areas of Tapestry or certain individual functions of Tapestry features that have been enabled on the account.

If a paper version is being used then this can be accessed at any time by the child's parents or whoever has parental responsibility, through request via their child's Key Person or the Lead Practitioner.

### *Parents/carers*

For the parents/carers of the child we collect details including name, address, relationship with the child, telephone numbers and email addresses. We also retain parent declaration forms

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<sup>3</sup> See policy 5.5 Retention Periods for Records

<sup>4</sup> Within GCC's Local Provider Agreement

<sup>5</sup> Lawful basis under Article 6(1)(b) and Article 9 as we need this personal information to be able to fulfil our legal obligations under the EYFS. Health data is regarded as "special category personal data"

with regards to the free funding for 3 and 4 year olds and eligibility for the extended funding entitlement<sup>6</sup>.

The above data is kept in the Child's individual file which is kept securely under lock and key. Access is only by the Lead Practitioner or under her direction. Our enrolment pack has been amended to comply with GDPR and requires parents to give consent for us to hold and process their and their child's data.

### *Staff*

For staff we collect details including name, address, date of birth, NI numbers, education and work experience, qualifications and references, telephone numbers and email addresses.

All staff personnel files are kept in a secure location and are only accessible by the relevant line manager, ie. the Committee Chairperson, Lead Practitioner or the Treasurer. All staff have a copy of our Staff Privacy Notice. It is included in their induction pack.

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved in making personnel decisions.

Students, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it. Students need to obtain written consent from the parents of any children they wish to observe in the setting.

### *Service providers*

For service providers we collect details including name, address, telephone numbers, email addresses, website URLs, service details including stock/pricing/terms of business. Copies of their Privacy Notice is kept for reference.

## **Information sharing**

### *Children or their family*

There are times when we are required to share information about a child or their family. These are when:

- there are concerns a child may be suffering significant harm;
- the 'reasonable cause to believe' a child is or may be suffering significant harm is not clear; and/or
- there are concerns about 'serious harm to adults' (such as domestic violence or other matters concerning the welfare of parents).

In these circumstances, we will explain to families about our duty to share information for the above reasons.

Where we have concerns as above, we would normally gain consent from families to share. This does not have to be done in writing, but we record it in the child's file that we have gained the verbal consent as a result of discussing a concern that we need to refer to a social care agency.

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<sup>6</sup> Lawful basis under Article 6(1)(b) as we need the child's parents/carers' personal information to enable the setting to fulfil its legal obligations under EYFS.

We do not seek consent from parents/carers to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example, where we believe that a parent may try to cover up abuse, or threaten a child. Where evidence to support our concerns is not clear we may seek advice from Gloucestershire Early Years Team.

We only share relevant information that is accurate, factual, non-judgemental and up to date. The intention to share data relating to individuals to an organization outside of the setting shall be clearly defined within notifications (verbal and/or written) and details of the basis for the sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

The decision to share information will always be made with the agreement and consent of 2 Pre-school Committee Members.

Any proposed change to the processing of individual's data shall first be notified to them.

#### *Employees*

Data protection laws allow organisations to share personal information in an urgent or emergency situation, including to help prevent loss of life or serious physical, emotional or mental harm.

The ICO guidance<sup>7</sup> defines a mental health emergency as a situation in which the employer believes that someone is at risk or serious harm to themselves, or others, because of their mental health. This can include potential loss of life.

The ICO confirms that the employer will not get in trouble for sharing necessary and proportionate information with relevant and appropriate emergency services or health professionals that can help mitigate the risk of serious harm to the employee or to others. In addition, they advise that the employer could also share necessary and proportionate information with an employee's next of kin or emergency contact.

St Joseph's Pre-school will ensure that all staff keep the details of their next of kin and emergency/mental health emergency contacts that we have on file<sup>8</sup> up to date annually.

Further information can be found in policy 2.6 Staff Wellbeing.

#### *Consent to gather and to use information:*

Should St Joseph's Pre-School wish to gather data or use the data held on an individual, explicit consent will be sought in advance and fair notification of the proposed use shall be given. If at any time those whose data we hold wish to remove any consents previously given then they should contact the DPO to request this change of consent.

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<sup>7</sup> "Information sharing in mental health emergencies at work"

<sup>8</sup> Basic Employee Information form

## **Data Access Requests (Subject Access Request (SAR))**

All individuals whose data is held by us, have a legal right to request access to such data or supplementary information held. The right of access allows individuals to be aware of and to verify the lawfulness of the processing.

### *Parents*

Parents can have access to all written information about their child (except where data protection laws stipulate it is against the best interests of the child to do so), if a written request from the parent is received by the Committee Chairperson. St Joseph's Pre-school will respond to the request within 30 days from the initial date of the request even if this was via telephone or in person. We will provide the information free of charge and in paper format. However, we reserve the right to charge a 'reasonable fee'<sup>9</sup> when a request is manifestly unfounded or excessive, particularly if it repetitive. Please see 5.5 'Data Subject Access Requests' which details how we deal with a request and your rights.

Parents do not have access to information about any other child than their own.

### *Employees*

Employees, past and present, can submit a SAR, with respect to their personnel file. A data request must be made in writing to the relevant line manager. The Pre-school will respond within 30 days from the initial date of the request even if this was via telephone or in person. The setting will review the request and may ask for further clarification if a "general request" to see a file which contains a large amount of information, for example if the employee has been with the setting quite a few years. In this respect the time limit is paused until clarification received.

Personal information can cover more than one person, for example a witness statement used for internal disciplinary or investigatory issues or a whistleblowing report (this list is not exhaustive). Therefore, responding to a SAR may involve providing information that is about both the requester and someone else. The DPA 2018 states that the setting does not have to comply with a SAR if doing so means disclosing information which identifies someone else, except where:

- not they consent to the disclosure; or
- it is reasonable to comply with the request without that person's consent.

To determine the latter, we will consider all the relevant circumstances, including:

- the type of information that we would disclose;
- any duty of confidentiality we owe to the other person/people;
- any steps we took to try to get the other person's consent;
- whether the other person is capable of giving consent; and
- any stated refusal of consent by the other person.

and we will refer to the ICO website to ensure that we are following their guidance "[SARs: Q&A for employers](#)".

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<sup>9</sup> Based on administrative costs for providing the information

It should be noted that confidential references that we either provide to other organisations or that we receive at the start of an employee's employment are exempt from SAR requests – as per UK GDPR.

If the employee is unhappy with the SAR response received from St Joseph's Pre-school, the employee should raise their concern, in the first instance, with the setting. We will take the complaint seriously and work with the requester to try and resolve it. However, if no resolution is found, the employee then has the right to raise a concern with the ICO.

### **Making a complaint**

If you wish to make a data protection complaint then please complete our Complaints Form (see Appendix 1) and submit it to us either electronically (email the form to [stjosephspresch@gmail.com](mailto:stjosephspresch@gmail.com)) or in writing (post the form to St Joseph's Pre-school, c/o St Joseph's Catholic Primary School, Front Street, Nympsfield, Stonehouse, Glos GL10 3TY). In line with data protection law and on receipt of your complaint we will:

- acknowledge receipt of it within 30 days of receiving it;
- without undue delay, take appropriate steps to respond to the complaint, including making appropriate enquiries and keeping the complainant informed;
- without undue delay, we will tell the complainant the outcome of their complaint.

As an early years provider, we acknowledge that we may receive complaints on behalf of a child, for example from a parent, another adult, or a representative such as a child advocacy service, charity or solicitor.

To assist us in dealing with the complaint, particularly if it is on behalf of a child, we may ask for ID. We will ask for enough information to enable us to judge if the requester (or the person the request is made on behalf of) is the person whom the information is about. We may request formal identification documents if necessary.

If someone, eg. a family member of a solicitor, makes a complaint on behalf of another person, we will check that they are authorized to act on the complainant's behalf. The form of evidence we are required to check will depend on the circumstances of each request, for example:

- power of attorney; or
- signed letter of authority from the person they are acting on behalf of.

If there is no evidence that a third party is authorized to act on someone's behalf, we are not required to investigate the complaint. We will respond to the requester accordingly.

As a term time provider, St Joseph's Pre-school has very limited staff availability during school holidays. However, the Pre-school's email address, [stjosephpresch@gmail.com](mailto:stjosephpresch@gmail.com), will be periodically checked during these absences and, should a complaint be received, we will ensure that it is acknowledged within the required 30 days' timescale.

When investigating a complaint we will make an appropriate level of enquiries to enable us to gather as much information as we need. For example, we will:

- look at all the relevant facts thoroughly, fairly and accurately;

- speak to the relevant members of staff;
- compare the information from the complaint with the information we hold; and
- check that we have upheld our own terms, policies and standards.

If we are unsure what the complaint is about, we will ask the person making it for more information. We may ask what outcome the complainant is looking for. This may help us narrow the scope of our investigation and resolve the complaint quickly.

If the investigation is likely to take some time, we will follow up on our initial response so that the complainant knows that we are working to resolve the issue.

We will record our actions as follows:

- the date we received the data protection complaint;
- our acknowledgement;
- any relevant conversations and documents;
- the outcome of the complaint, ie.
  - explain what we have done to resolve the data protection complaint; and
  - any action we took as a result of our investigation (where appropriate).

This provides evidence of what we have done should the ICO ask to see this if a complaint is made about the Pre-school in the future.

If the complainant is unhappy with the outcome, they have the right to complain to the ICO. We will direct them to the [ICO's website/Contact us – public page](#).

### **Fair Processing/Data Privacy Notice**

St Joseph's Pre-school's Data Privacy Notice has been written in accordance with the ICO guidance and, due to the young age of the children attending our setting, has been written in a form understandable to parent/carers. All parents whose children attend our setting receive a copy of our Data Privacy Notice and it is also displayed on our notice board at the setting. A separate Data Privacy Notice has been written for staff and all staff have received a copy.

### **Data Security**

Under the GDPR, St Joseph's Pre-school has responsibilities to protect the personal information that we and our staff collect and use. This includes a requirement to have appropriate security to prevent it being accidentally or deliberately compromised. As such, physical data is stored in a locked cupboard within the locked Leigh Building which is alarmed. All IT devices (eg. laptops, ipads etc) used at the setting or by the Treasurer and Treasury Administrator which store electronic data, are password protected and have up to date IT protection software installed. Data on these devices is backed up at least monthly if not more frequently. All IT devices are kept under lock and key. The Pre-school has a Business Continuity Plan (BCP) with recovery solutions in place should the Leigh Building become unavailable/inaccessible. The BCP is reviewed annually.

In addition, St Joseph's Pre-school adheres to the recommendations advocated by the National Cyber Security Centre (NCSC) in their "Cyber Security Training for School Staff". For more information see the setting's Acceptable Use of Technology policy<sup>10</sup>.

Only authorised people can access, alter, disclose or destroy personal data – as directed by the Committee Chairperson.

In order to assure the protection of all data being processed and inform decisions on processing activities, this policy will be reviewed annually, and before this time should any matters arise that need to be addressed.

Parents, carers and staff are required to report suspected data breaches<sup>11</sup> without delay to the Pre-school's DPO. Please refer to 5.6 'Data Breach Procedure' for details on how we will deal with a reported breach.

Staff will report any incidents or unusual IT activity, as a matter of urgency, to St Joseph's Catholic Primary School's School Business Manager.

### **Photographs and videos**

Under the UK GDPR, the pre-school uses two lawful bases for taking photographs and videos of children.

- *Consent* is used for promotional purposes, such as photographs or videos used on the pre-school website, social media pages, newsletters, displays, posters, or other marketing materials. Parents/carers are asked to provide consent through the enrolment forms, and this consent is reviewed and re-signed annually. *Consent* may be withdrawn at any time; and
- *Legitimate Interests* is used for photographs and videos taken as part of the day-to-day running of the setting. This includes recording children participating in activities, observations, assessments, and learning journeys using our secure online learning journal system, Tapestry. These images help us support children's development, share progress with parents/carers, and meet our educational and safeguarding responsibilities.

The pre-school carefully considers children's privacy rights and ensures that the use of photographs and videos is appropriate, proportionate, secure, and does not unfairly impact the rights, freedoms, or privacy of the child. Images are only accessed by authorised persons and are stored securely in accordance with our data protection procedures.

Unless prior consent from parents/carers/staff has been given, the Pre-school shall not utilise such images for publication or communication to external sources. It is the Pre-school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

For further guidance see policy 1.11 Mobile Phones, Digital Photography and Other Electronic Devices.

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<sup>10</sup> Policy 1.11.1 Acceptable Use of Technology

<sup>11</sup> A data breach is an incident in which sensitive, protected or confidential data has potentially been viewed, stolen or used by an individual unauthorised to do so.

## Archiving/Data disposal

St Joseph's Pre-school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. To ensure that personal data is kept for no longer than necessary, St Joseph's Pre-school will adhere to the requirements of its Retention periods of Records document<sup>12</sup>. This document is reviewed every 2 years as a minimum.

All data held in paper format will be disposed of by shredding, using a cross-cut shredder, and in line with our 5.7 Retention Periods for Records document. Photographs and videos downloaded to computers will be deleted within three months, and all photographs and videos will be deleted at the end of each Pre-school year. Electronic data held on laptops, ipads (or similar) or on a cloud provider, will be reviewed annually and data will be deleted according to our records keeping policy.

We will ensure that we use an IT asset disposal company which holds the required qualifications when the time comes. The company(ies) used must be accredited with ADSIA with distinction, Blancco or ISO 27001 etc.

## Further guidance

- General Data Protection Regulation (May 2018)
- Data Protection Act 2018
- Human Rights Act (1998)
- [Keeping Children Safe in Education](#) (latest version)
- Department for Education (DfE) guidance: [Information Sharing: Advice for practitioners providing safeguarding services](#) (latest version)
- IT asset disposal for organisations.pdf (ICO)
- ICO website: [www.ico.org.uk](http://www.ico.org.uk)
- ICO Guidance: "[Information sharing in mental health emergencies at work](#)" (latest version)
- ICO Guidance: "[Sharing information to safeguard children and young people in the education sector in the UK](#)"

## Associated policies and procedures

- 1.2 Safeguarding Children and Child Protection
- 1.4 Confidentiality
- 1.10.1 Whistle Blowing
- 1.11 Mobile Phones, Digital Photography and Other External Devices
- 1.11.1 Acceptable Use of Technology
- 2.6 Staff Wellbeing
- 5.5 Data Subject Access Requests
- 5.6 Data Breach Procedure
- 5.7 Retention Periods for Records

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<sup>12</sup> Policy 5.7 Retention Periods of Records

<b>Version Number</b>	<b>Author</b>	<b>Purpose of change</b>	<b>Date</b>
1.0	E Kemp	Comply with Data Protection Law	May 2018
2.0	K Coupe	Comply with GDPR	19 Sept 2018
3.0	K Coupe	Updated to record the Pre-school's inclusion on the ICO's data protection register. Together with minor alterations as gleaned from the ICO website	29 Apr 2021 Committee via email (quorate)
4.0	K Coupe	Document reviewed. Amendments to Data security section and who has access to staff details.	9 May 2023 Chair (A Hitchings)
5.0	K Coupe	Document amended to take account of revised ICO information should an employee (past/present) make a Subject Access Request	13 Jun 2023 Chair (A Hitchings)
6.0	K Coupe	Correction of typos and update in "Further guidance"	17 Sept 2023 Committee Member (S Webb)
7.0	K Coupe	New section re sharing information in mental health emergencies at work re staff as per ICO guidance. Plus removal of reference to an obsolete ICO document	23 May 2024 Committee Member (J McFarling)
8.0	K Coupe	Reference to "Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers" amended to May 24 update	23 Jul 2024 Committee Member (L Finn-Powers)
9.0	K Coupe	Reviewed and updated with regards to advice from the National Cyber Security Centre and reference to policy 1.11.1	9 Oct 2025 Committee Member (G Ind)
10.0	K Coupe	Reference to GDPR Articles and ICO guidance. Inclusion of hyperlinks under Further Guidance section	18 Dec 2025 Committee Member (H Heaven)
11.0	K Coupe	Inclusion of section on "Making a Complaint" following ICO advice together with an Appendix 1 "Data Protection complaint form"	19 March 2026 Chair (A Hitchings)
12.0	K Coupe	Inclusion of confirmation that a copy of a child's birth certificate will be retained as per GCC's Local Provider Agreement.	15 April 2026 Committee Member (S Long)
13.0	K Coupe	• 'Photographs and Videos' section updated explaining the lawful bases the Pre-school has for taking images of the children.	12 June 2026 Chair (A Hitchings)

<b>Version Number</b>	<b>Author</b>	<b>Purpose of change</b>	<b>Date</b>
		<ul style="list-style-type: none"><li>• Updated to include reference to 1.11 Mobile Phones, Digital Photography and Other External Devices.</li><li>• reference to “user permissions” on Tapestry</li></ul>	



Desired outcome

Supporting evidence
List and attach any documents, emails and screenshots.

**Declaration**

I confirm that the information provided is accurate to the best of my knowledge.

Signed: .....

Dated: .....

Send this form, either electronically or by post, to St Joseph’s Pre-school and give them reasonable time (30 days) to respond.

If unresolved, you can submit your complaint to the ICO via their website, see [Contact Us – Public](#).