

This policy has been redrafted with any substantive changes shown with a footnote explaining why the changes are suggested.

DATA PROTECTION POLICY AND GUIDANCE

1. INTRODUCTION

- 1.1. Data Protection Acts 1984 and 1998 place obligations on employers with regard to access of, and time frame for keeping, restricted data – both computerised and manual.
- 1.2. The Trustees have delegated operational responsibility to the Chief Executive who, from time to time, will monitor the smooth running of this policy and guidance.
- 1.3. See ICT Policy and Guidance for more information.

2. DEFINITIONS

- 2.1. “Data” includes all personnel records (application forms, disciplinary records, card indexes, etc.) and information on parents and children, including admission forms, children’s files and card indexes.

3. GENERAL PRINCIPLES

- 3.1. In order to achieve the lawful processing of data, the data subject must have given their consent and/or the processing is necessary for the performance of a contract.
- 3.2. The general principles which Gingerbread Corner (GBC) has taken into account are as follows:
 - All data must be held securely.
 - Personal data shall be processed fairly and lawfully
 - Data shall be obtained for specified purposes and processed in a manner compatible with those purposes
 - Data shall be adequate, relevant and not excessive for the purpose for which it is processed
 - Data shall be accurate and kept up to date
 - It shall not be kept for longer than necessary for the purpose
 - Data shall be processed in accordance with the rights of the data subject
 - Appropriate technical or organisational measures shall be taken against unlawful use

4. SENSITIVE DATA

- 4.1. The 1998 Act imposes strict conditions regarding sensitive data (which does not include information regarding disability), which is defined as information relating to:

Racial and ethnic origin	Physical and mental health
Political opinion	Sexual life
Religious belief	Criminal (or alleged) offences
Trade union membership	Court proceedings in relation to offences or court sentences

4.2. The processing of this data is prohibited unless:

- The employer has made clear the purpose of using this information, e.g. for ethnic monitoring of employees
- The individual has given explicit consent
- There is a right or obligation imposed by law in connection with employment
- It is necessary for monitoring equal opportunities, or racial or ethnic origin, which is carried out with appropriate safeguards.

5. ACCESS TO RESTRICTED INFORMATION

5.1. Restricted information will be accessible as shown in the tables at the end of this document.

5.2. Employees and clients have the right to see their personal records to check accuracy (including views expressed about their performance, as well as factual information about their skills and qualifications) and they would be able to take legal action to rectify, erase or destroy incorrect or misleading information, as well as any opinions based on this data.

5.3. This does not apply to certain records, including:

- references
- information that management uses for forecasting and planning
- paperwork regarding negotiations concerning a person
- confidential information about a third party.

In the latter case, GBC must either present the data in such a way that conceals the identity of the third party, or refuse to provide the data on grounds of confidentiality/data protection. This applies to CCTV recordings.

5.4. Applicants are entitled to see copies of all notes recorded about them (including rough notes) during the recruitment process, under a "Subject Access Request" for disclosure. The information must be supplied within 40 calendar days. An applicant may also have the right to see the details and interview notes of other candidates (appropriately anonymised).

5.5. In order to ensure that any medicines are given to the children at the correct time, GBC has decided that the log will show all children who are due medicine on any one day.

5.6. Some agencies (such as the Inland Revenue, Ofsted, Environmental Health, Auditors) have a right to see data that supersedes the normal confidentiality rules.

5.7. Written records of families or staff, including Next Steps, etc. must not leave the building.

6. DISCLOSING PERSONAL DATA

6.1. It is essential that private information (e.g. email or home addresses) is not shared with anyone unauthorised.

6.2. Bulk emails, e.g. to more than one client or staff member, must be sent via "blind copy".

6.3. Where our contract is with one person, care must be taken not to disclose personal information, such as financial details, to an unauthorised party, e.g. a partner or ex-partner.

7. REFERENCES

7.1. Seeking references is dealt with in our Recruitment Procedure.

7.2. Gingerbread Corner will provide only a business reference, as per the template.

7.3. The Chief Executive may, at their own discretion, write a personal character reference. No inference can be drawn from their decision.

8. DISPOSAL OF PERSONAL DATA

8.1. In line with the time frames indicated below, GBC normally shreds all paper records that contain or may contain restricted and/or personal data, including admission forms, fee letters/statements, etc. or may use a secure disposal service, our agreement with which would include appropriate information security conditions.

9. CCTV

9.1. The objectives of GBC's CCTV system area to:

- Enhance and ensure, as far as possible, the safety and welfare of children
- Check the veracity of any accounts of incidents
- Check for unauthorised access of areas/equipment - and, if necessary, to:
- Act on any concerns or issues

9.2. CCTV was chosen over other possible methods, because no other method would allow accurate surveillance. The equipment is intended to be in operation 24 hours a day, seven days a week.

9.3. Generally, the personnel in the following roles may access recordings or live images: Chief Executive, Child Care Director, Finance Director and Director of IT and Facilities.

The Child Care Managers may also access recordings/live images in order to carry out any necessary investigations/monitoring, if they are given permission. There is on-going permission for senior staff to randomly check the Sensory Room (as this is the only room in which staff may be routinely on their own with young children).

Other staff may be shown a specific recording if necessary, for example, if help is required with identification of a subject.

9.4. Staff involved in an incident or complaint may be shown the CCTV imagery of the relevant incident as a training tool.

9.5. The data will be kept on a hard drive for a maximum of one calendar month, unless it is, or it is considered it may be, required for an on-going investigation or for evidence in a disciplinary matter, complaint or grievance, etc. In this case, it will normally be deleted six months after any investigation/disciplinary matter is concluded although it could be kept for a maximum of 10 years (if there is thought to be a possibility of legal action).

9.6. Methods of notification of the presence of surveillance CCTV and other information channels:

- Posters/signs
- Website
- Clients' paperwork

9.7. Unless required by police, or similar authorised body, no other agencies or parties will receive CCTV data.

9.8. Regarding any possible impact of CCTV surveillance on the right to privacy, performance or general well-being of any individuals, etc., no "private" areas (i.e. adult toilets or children's bathrooms, first aid room, staff room, offices) are under surveillance.

10. TAPESTRY

10.1. Children's Learning Journals, etc. are kept on software, currently Tapestry. If necessary, staff may log in to this from home if they wish, as long as they log out when they have finished and/or their ICT equipment is password protected.

10.2. Photos uploaded to Tapestry must not contain images of other children - if necessary, the images of any other children can be edited out or their faces rendered unrecognisable.

11. TIME FRAMES FOR KEEPING RECORDS, AND LOCATION OF RECORDS

11.1. The time frames and locations of records are laid out in the table below

11.2. Archives are accessible by the Executive Management Team (EMT) & Admin unless indicated otherwise.

11.3. IT records are kept on the PCs related to the location below, and retained for the same periods of time.

Key to following table:

LD – leaving date

CCD – Child Care Director's office

FD – Finance Director's office

CCM – Child Care Manager

CUS – Cupboard under stairs

CEO – Chief Executive's office

DIT&F – Director of IT and Facilities' office

SMT – Senior Management Team (EMT plus four line managers)

TYPE OF RECORD	Location-Current Records	ACCESSIBLE BY	TIME FRAME	REASONS FOR RETAINING RECORDS	Location-Past Records
FAMILIES' RECORDS					
Admission Forms	Admin Office	All senior staff	5 years	To invite to events	CUS
Card Index info.	Admin Office	All staff	Until LD	Quick access in case of emergency	Destroyed
Child Protection	CEO	SMT	5 years from LD	Possible queries from parent or agencies, children may return	CCD
Children's records [except Child Protection]	Admin Office	All staff [SMT]	3 years [5 years] from LD	Possible queries from parent or agencies, children may return	CUS
Fee envelopes & fee receipts	Admin Office	EMT & Admin	1 month	In case of queries	Destroyed
Fee records [except bad debt records]	Office PCs	EMT & Admin	Paper: 2 years from LD; IT: 10 years [BD infinite]	Possibility of queries	FD; Office PCs
Nursery Vouchers, etc.	FD	EMT & Admin	2 years	In case of queries from funders	?????
Registers	EY Rooms; Register	All staff	3 years	Possible queries re: fee charges	CCM/CUS
Room diaries	EY Rooms	All staff	3 years	Info may be required	CCM/CUS
SEN records	CCD	SMT	5 years	Possible queries from parent or agencies, children may return	CUS
FINANCIAL RECORDS					
All accounting records, including cheque stubs, folios, spreadsheets, hard copies [IT]	FD's/ Admin Office	EMT & Admin	6 years	Comply with statute	CUS
Bad debt information – PCs & hard copies	Office PCs	EMT	Infinite (clients may return)	Users sometimes reapply	CUS
Correspondence re grants/donations	FD's Office	Admin & EMT	6 years	Comply with statute (minimum 3 years)	CUS
Parent/Carer Fee Agreement Forms	FD's Office	Admin & EMT	2 years	FD's Office	
Parent/Carer Bursary Forms	FD's Office	Admin & EMT	LD		
Payroll records	FD's	EMT	Paper copies, 3 years from LD IT 5 as per payroll prog	Comply with statute [in case of queries]	FD
HEALTH & SAFETY RECORDS					
Accident & Incident books & records	CCD	EMT & Admin	3 years	Comply with statute	CCD
COSHH Records	CEO	EMT & Admin	5 years	Comply with statute	CUS
GBC Fire Drills/evacuation records	CEO	EMT & Admin	3 years	Comply with statute	CEO

Health & Safety Logs, Risk Assessment Forms, etc.	CEO or DIT&F	EMT & Admin	5 years	Comply with statute	CUS
HUMAN RESOURCES' RECORDS: Any time periods laid out in the Disciplinary Procedure supersede the timeframes in this document.					
Allegations against staff	CCD	EMT	10 years	May be needed as evidence	CCD
Application Forms of employees	CEO	SMT	Infinite	May be needed as evidence, to invite to events	CEO
Application Forms/CVs (not employed)	CEO	EMT	6 months	May be needed as evidence	CEO
Card Index Info	Admin Office	All staff	Until LD	Quick access in case of emergency	Destroyed
Contract	CEO	SMT	6 months from LD	May be needed as evidence	CEO
DBS and Suitability Declaration	CEO	SMT	Until LD		Destroyed
Disciplinary, Grievance or Appeals' Records & Correspondence [unless around Safeguarding]	CEO	SMT	6 months from LD	May be needed as evidence [for references]	CEO
Employee Information Form (including sickness, AL)	CEO	SMT	Infinite	Any queries/contact details	CEO
P45s, etc.	CEO	EMT	5 years from LD	By statute	CEO
Paperwork including correspondence	CEO	SMT	Until LD		Destroyed
Photocopies of proof of entitlement to work and of driving licence (where applicable)	CEO	EMT	5 years from LD	May be needed as evidence	CEO
References given	CEO	SMT	1 year	Useful in giving further references	CEO
References received	CEO	SMT			Destroyed
Support & Supervision Records – hard copies	CEO	SMT	2 years	In case required for investigations etc.	Destroyed
Support & Supervision Records - electronic	CEO/CCD/Managers	SMT	Until LD	In case required for investigations etc.	Destroyed
Student/Volunteer Information Sheet, references	CCM	All staff	1 year from LD	For references & evidence if necessary	CCM
MANAGEMENT COMMITTEE RECORDS					
Annual Report & Accounts, etc.	CEO	EMT & Admin	Infinite	Historical interest	CUS
MC Members' Information sheet	CEO	CEO	2 years	In case of query	CUS
MC Minutes & Reports	CEO	EMT & Admin	Infinite	Historical interest	CUS
Trustees' other information	CEO	CEO	Until LD		CEO
MISCELLANEOUS					
Complaints/Incidents, Correspondence, reports of investigations, etc.	CCD or CEO	EMT & Admin	10 years from LD	Possibility of legal action	CCD
History	Admin Office	EMT & Admin	Infinite	Historical interest	CUS
Staff Meeting Minutes	Offices	EMT & Admin	Infinite	Historical interest	CUS
Weekly Managers' Reports - electronic	CEO/CCD/CCMs	CEO/CCD/CCMs	Infinite	Historical interest	On PCs