

## **Safeguarding and Welfare Requirement: Information and Records**

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

## **2.4 Data Protection Policy**

### **Policy statement**

Foundry Lane Community Playgroup collects, stores and processes personal data relating to its employees in order to manage the employment relationship. This privacy policy sets out how the playgroup collects and uses personal information about staff during and after their working relationship with us. This policy applies to current and former employees, workers and contractors.

Foundry Lane Community Playgroup is committed to protecting the privacy and security of all personal information. The Playgroup is committed to ensuring that any personal data we hold about staff is protected in accordance with the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) and is used in line with your expectations.

### **Data Protection Principles**

The Playgroup will comply with data protection law. This means that the personal information we hold about staff must be:

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

### **What information does the Playgroup collect and process?**

The Playgroup collects and processes a range of personal information (personal data) about staff. Personal data means any information about an individual from which the person can be identified. This includes:

- Personal contact details, such as name, title, address and contact details, including email address and telephone number
- Date of birth
- The terms and conditions of employment
- Details of qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the Playgroup
- Information about remuneration, including entitlement to benefits such as pensions
- Details of bank account, tax status and national insurance number
- Information about marital status, next of kin, dependants and emergency contacts

- Information about nationality and entitlement to work in the UK
- Details of periods of leave taken, including holiday, sickness absence, family leave, and the reasons for the leave
- Details of any disciplinary or grievance procedures in which staff have been involved, including warnings issued and related correspondence
- Assessments of performance, including appraisals, training participated in, performance improvement plans and related correspondence

We may also collect, store and use the following special categories of more sensitive personal information:

- Information about medical or health conditions, including whether or not staff have a disability for which the Playgroup needs to make reasonable adjustments
- Information about any criminal record

The Playgroup collects this information in a variety of ways. For example, data is collected through the application and recruitment process and during work-related activities throughout the period of working with us. In some cases, the Playgroup collects personal information from third parties, such as references supplied by former employees, information from employment background check providers and information from criminal record checks permitted by law. Data is stored in a range of different places, including personal files and in other IT systems (including the Playgroup's email system).

### **Why does the Playgroup process personal data?**

The Playgroup needs to process data to enter into an employment contact with staff and meet its obligations under employment contracts. In addition, the Playgroup needs to process data to ensure that we are complying with our legal obligations, for example, we are required to check an employee's entitlement to work in the UK and for certain positions, it is necessary to carry out criminal record checks to ensure that individuals are permitted to undertake a particular role. In other cases, the Playgroup has a legitimate interest in processing personal data before, during and after the end of the employment relationship.

### **Situations in which the Playgroup will use personal information**

The Playgroup will process personal information in order to:

- Make decisions about recruitment and promotion processes
- Maintain accurate and up-to-date employment records and contact details (including details of whom to contact in the event of an emergency), and records of employee contractual and statutory rights
- Check employees are legally entitled to work in the UK
- Gather evidence for, and keep a record of, disciplinary and grievance processes, to ensure acceptable conduct within the workplace
- Pay staff and, in the case of employees, make deductions for tax and National Insurance, make decisions about salary reviews and compensation
- Operate and keep a record of employee performance and related processes
- Keep records of training and development requirements

- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled
- Ascertain employee fitness to work
- Operate and keep a record of other types of leave (such as maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled
- Ensure effective general HR and business administration
- Provide references on request for current or former employees
- Deal with legal disputes involving employees, workers and contractors

### **If employees fail to provide personal information**

If employees do not provide certain information, when requested, the Playgroup may not be able to perform the contract they have entered into with employees, such as paying them or providing a benefit. Employees may also have to provide the Playgroup with data in order to exercise statutory rights, for example in relation to statutory leave entitlements.

### **Change of purpose**

The Playgroup will only use personal information for the purpose for which it was collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal information for an unrelated purpose, we will advise employees of this and explain the legal basis which allows us to do so. Employees should be aware that we may process personal information without their knowledge or consent where this is required or permitted by law.

### **How we use sensitive personal information**

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations, for example, in relation to employees with disabilities and for health and safety purposes.

### **Information about criminal convictions**

We envisage that we will hold information about criminal convictions. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. We will use information about criminal convictions to ascertain if staff are barred from carrying out their role.

### **How long do we keep data?**

The Playgroup will only hold personal data for as long as is necessary to fulfil the purposes we collected it for, including any legal, accounting or reporting requirements. The periods for which data is held after the end of employment are as stated in the Privacy Policy in the Employee Handbook.

## **Who has access to data?**

Employee's personal information will be shared internally and externally with:

- Payroll software – to process employee's salary and email payslips
- Ofsted- during an inspection or following a complaint about our service
- Banking services to process payments to staff
- HMRC – PAYE, National Insurance, SPP, SMP, Pension
- NEST – Pension provider
- Foundry Lane Community Playgroup Management Committee members as required
- Financial accounts independent examiner
- Charity Commission – if required
- HR representative

The Playgroup shares staff data with third parties where required by law, where it is necessary in order to administer the working relationship with employees or where we have another legitimate interest in doing so. The Playgroup may share personal data with other third parties, for example, in the context of a sale of some of all of its business. In these circumstances, the data will be subject to confidentiality arrangements. The Playgroup will not transfer personal data to countries outside the European Economic Area.

## **How does the Playgroup protect data?**

The Playgroup takes the security of personal data seriously. The Playgroup has internal policies and controls in place to prevent data being lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Details of these measures are available on request. When the Playgroup engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **Employee's duty to inform us of changes**

It is important that the personal information we hold about employees is accurate and current. Staff should ensure they keep the Playgroup informed if their personal information changes during their working time with us.

## **Employee rights**

As a data subject, employees have a number of rights - They can:

- Access and obtain a copy of their data on request (known as a "data subject access request")
- Require the Playgroup to change incorrect or incomplete data
- Request erasure of their personal information. This enables staff to ask the Playgroup to delete or stop processing their data, for example where the data is no longer necessary for the purpose of processing
- Object to the processing of their data where the Playgroup is relying on its legitimate interests as the legal ground for processing
- Ask the Playgroup to suspend the processing of their personal data for a period of time if data is inaccurate or there is a dispute about its accuracy or the reason for processing it.

If employees would like to exercise any of these rights, or they have any questions about the Data Protection Policy, they should contact their Line Manager. If staff believe that the Playgroup has not complied with employee's data protection rights, they have the right to make a complaint to the Information Commissioner's Office. Details can be found at [www.ico.org.uk](http://www.ico.org.uk). Telephone number: 0303 123 1113.

### **Other useful Pre-school Learning Alliance publications**

- Employee Handbook (2019)
- Recruiting and Managing Employees (2011)

### **Addendum**

In this current pandemic we may need to share information with other public services, as necessary and where it is appropriate to do. In May 2020, the NHS track and trace service was launched. The service will help identify, contain and control coronavirus, reduce the spread of the virus and save lives.

If someone in the setting has been in contact, either directly or indirectly, with an individual who has tested positive for the virus, we may be contacted by the track and trace scheme and asked to provide details of other individuals the person or child may have been in contact with. As this would breach our strict data protection policy, all parents and carers will be asked for explicit, written permission to share their name, telephone number and email address if we are contacted by the NHS track and trace service.

**Further guidance** – <https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>



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Monday 1<sup>st</sup> June 2020

Dear Parent/Guardian,

As you may be aware, on Thursday 28<sup>th</sup> May, the Government launched its NHS Coronavirus Test and Trace system. The guidance for this can be read here <https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>.

This system involves those with possible Covid-19 symptoms being asked to undertake a test which, if positive, then implements the tracing element. This is completed via a dedicated NHS website and will result contact tracers contacting everyone that you may have been in contact with, in previous days.

As a setting there is always the possibility that we may be contacted by a contact tracer if someone within the setting has been in contact, either directly or indirectly, with someone who has tested positive for the virus. The detail of the scheme is still rather patchy, but it may be that if we are contacted, we will be asked to provide details of those others that the person or child may have been in contact with.

This is a concern for us as it would be a breach of our strict data protection policies to give out any personally identifiable information without your prior consent. Therefore, we are asking you, by way of this letter and the slip below, to provide us with your explicit permission to share your name, telephone number and email address if we are contacted by a contact tracer. In line with our sharing of information policy we will check the identity of anyone asking for this information following the procedures already in place. It is worth pointing out that this Test and Trace system is not mandatory and therefore we are under no legal obligation to provide your information if you do not wish us to do so. Details of how the NHS will use your data is detailed in the guidance above.

Even with the Test and Trace system in place we will obviously inform you ourselves if someone within the setting tests positive and will take the appropriate actions as detailed in our risk assessments.

Please complete the form below with your preference and permission for supplying your information if it is required and if you have any questions please don't hesitate to come and speak to us.

Kind Regards

Sue Mason  
Playgroup Manager

Please tick the boxes which apply below:

I {enter name} ..... give permission for my name to be given to an NHS contact tracer if required. Signature .....	
I {enter name} ..... give permission for my telephone number to be given to an NHS contact tracer if required. Signature .....	
I {enter name} ..... give permission for my email address to be given to an NHS contact tracer if required. Signature .....	
I {enter name} ..... do not give permission for my personal details to be given to an NHS contact tracer. Signature .....	

