

# GDPR Policy



## Fraserburgh South Park Nursery

2023

## **UNCRC Article 16: Respecting confidentiality and the right to privacy**

“Article 16 of the UN Convention states that children have a right to privacy. This means that children are entitled to respect for privacy and confidentiality. As a health worker, you need to know what the law says and to protect that confidentiality as far as possible”.

The General Data Protection Regulation (GDPR) is a new EU law that came into effect on 25 May 2018.

It replaces the current Data Protection Act 1998 and the changes remain in place even after the UK leaves the EU.

UPDATE: Following Brexit, the UK government enacted the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 which amends the DPA, merging it with the requirements of the EU GDPR, this means the GDPR has been kept in UK law as the UK GDPR.

### **What GDPR means in nursery**

This measure ultimately aims to give individuals more control over their data and how it is used and disseminated. Within this, there are two main roles - the data controller and the data processor.

- Nurseries are considered to be data controllers, in that you have the responsibility to protect data that you have collected regarding your pupils, their families and your staff. As a data controller, you are then obligated to ensure that personal data is appropriately protected, with high penalties imposed for those who do not adhere to the rules.

### **GDPR principles**

GDPR condenses the Data Protection Principles into six areas, referred to as the Privacy Principles. They are:

1. Our Nursery must have a lawful reason for collecting personal data and must do it in a fair and transparent way.
2. Our nursery must only use the data for the reason it is initially obtained.
3. Our Nursery must not collect any more data than is necessary.
4. Data has to be accurate and there must be mechanisms in place to keep it up to date.
5. Our Nursery cannot keep it any longer than needed.
6. Our Nursery must protect the personal data.

These privacy principles are supported by a further principle - accountability. This means that we must not only do the right thing with data but must also show that all the correct measures are in place to demonstrate how compliance is achieved.

All staff will also undertake training on data protection. This is carried out regularly and is mandatory for all staff. Documentation on policies, procedures and training is a key part of any effective compliance programme.

### **Areas to consider**

**Appointing a data protection officer** — The Head teacher will take the lead on data compliance.

**Privacy notices** — When data is collected, we will tell people exactly how we are going to use it, who might we share it with, how long we will keep it as well as information on consent and complaint.

**Individual rights** — You, as parents/carers now have new and enhanced rights on the collection, access and deletion of their data so you can exercise these rights at any time.

**Consent** — GDPR requires nurseries to have a legitimate reason for processing any personal data.

**Data agreements** — We will have written agreements with providers with anybody processing data for them. Providers must make sure that anyone processing data meet GDPR requirements.

**New projects** — Data protection must be incorporated into all of our ways of workings. It cannot simply be an after-thought.

**Breach notification** — The Head Teacher are obligated to notify the [Information Commissioner's Office](#) (ICO) of a data breach within 72 hours of becoming aware of the breach.

**Fines** — Organisations can be fined significant amounts if they are not GDPR compliant. However, you should focus on the benefits of ensuring you are handling your data properly.