



DATA PROTECTION POLICY

POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE AND DESTRUCTION OF PERSONAL INFORMATION

The Data Protection Act (DPA) was brought into law in 1998 with the intention of governing the way that organisations process and manage data on living identifiable individuals. This data is often referred to as “Personal data”.

Personal data is things like:

- Children’s names, dates of birth, address, allergies and medical information
- Parents’ names, addresses and work places
- Staff information such as bank details, national insurance number and qualifications

The General Data Protection Regulation (GDPR) is a new EU law that is effective from 25 May 2018.

It will replace the current Data Protection Act 1998 and the changes will remain in place even after the UK leaves the EU in 2019.

GDPR will give individuals greater control over their own personal data.

GDPR principles

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

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

These privacy principles are supported by a further principle – accountability.

Compliance

All childcare settings should have a Data Protection Policy, which outlines what measures they take to comply with the Data Protection Act. It should also describe what actions staff should take to take if they think there has been a breach, and how individuals can access information relating to them.



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To comply with these principles BOSCA will ensure the following practice:-

- Personal information will only be collected on a need to know basis
- Information will only be kept as long as necessary
- Information collected will be stored securely
- Information will not be shared without consent, unless in the case of Child Protection
- Records will be updated each year to make sure we are not keeping information that is irrelevant, excessive or out of date.
- Parents have access to their own children's files
- The Care Inspectorate has access to children's files.
- Computerised data is password protected and only accessed by authorised staff
- Information will be destroyed by shredding

BOSCA will nominate a Data Controller from within the organisation. Their job is to make sure that any processing of personal data at your setting complies with the Data Protection Act.

Breaches of the GDPR principles

If a member of staff thinks that there has been a violation of these rules, they must notify the Data Controller as soon as possible and give them details of the breach. It is then the responsibility of the Data Controller to investigate and then either rectify or report any violations of the Data Protection Act to the ICO.

Non-Compliance

Aside from our brand and reputational damage should personal information become lost or stolen, the Information Commissioner's Office can prosecute businesses. You can be liable for fines of up to £500,000 if it is found that your setting has seriously breached the rules of the DPA.



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Staff

In accordance with the Scottish Executive Code of Practice for registered persons and other recipients of Disclosure information and with reference to the Information Commissioner's 'Employment Practices Code' BOSCA will ensure the following practice when collecting and processing staff and potential staff personal information.

- Application to join the PVG scheme will only be made when necessary and relevant to the applied position.
- Information collected will only be used for recruitment purposes
- Disclosure information will only be shared with authorised people in the course of their work
- Where additional disclosure information is provided to BOSCA and not to the applicant, BOSCA will not disclose the information but will inform them of the fact that additional information has been provided, should this affect their application.
- PVG scheme / Disclosure information will be destroyed by shredding
- No image or photocopy of the PVG/disclosure information will be made, however the following information will be retained:-
 - Date of issue of scheme membership
 - Name of applicant
 - Disclosure type
 - Reference / membership number
 - Recruitment decision taken
- BOSCA will ensure that all staff with access to disclosure information are aware of this policy and have received relevant training and support
- BOSCA will make this policy available to any applicant for any regulated post that requires a disclosure.

Also see: Privacy policy Staff
Privacy policy Parents