

C08: Policy on Data Protection

Bright Beginnings Childcare Centre Leeds (hereafter referred to as 'Bright Beginnings') collects, holds and uses a variety of personal data relating to staff, its users, and others it comes into contact with. (Bright Beginnings is covered by the University of Leeds' registration under the Data Protection Act. It must therefore also comply with the University's Data Protection Code of Practice at <http://campus.leeds.ac.uk/dpa>. For the avoidance of doubt, where an issue is not referred to in this policy, reference will be made to the University's Code.)

Bright Beginnings wishes to outline its obligations under data protection. In support of this policy we will issue all staff with a document entitled *Putting the Policy Into Practice* (attached as an **Annex** to this policy) which will give more specific guidance on the practical measures to be taken to ensure compliance with this policy.

(Note: In this document, where the data involved relates to registered children at Bright Beginnings who are the users of the service, it is assumed that references to any necessary communication or consent is between Bright Beginnings and the child's parent or legal guardian.)

The general principles we will endeavour to follow with regard to data protection are as follows:

- We will take suitable measures to ensure that any data gathered and used by us is done so fairly and lawfully.
- We will normally ask your consent before we use the data.
- We will tell you what we are going to use the data for and not use it for any other purpose.
- We will only ask for the data that we need and we will make sure that any data obtained is suitable for the intended purpose.
- We will update our data when you tell us about any changes to it.
- We will not keep data for longer than is necessary.
- We will use our data in accordance with your rights under the Data Protection Act.
- We will take suitable measures to keep data safe.
- We will not transfer any of your data outside the European Economic Area unless you give us your permission to do so and that country has equivalent levels of protection for personal data.

Putting the Policy into Practice

This code of practice offers practical guidance on actions which will be taken to ensure compliance with the data protection legislation. It also focuses on some other issues which require special attention including access to data. Also included in this code of practice are specific guidance notes for staff and a privacy statement which lists the uses of personal data of users of Bright Beginnings.

This document refers to the 'data subject'. The data subject is simply the person that the data or information refers to.

1. Introduction

It is the responsibility of all employees to comply with the data protection policy. If therefore you feel you need any further information on your own specific obligations please contact the General Manager or the Company Secretary (see paragraph 10 for further details).

If you become aware of areas where the policy is not being followed you should raise this in the first instance with the General Manager. If you do not obtain a satisfactory outcome you may contact the Company Secretary or the Chair of the Company's Board of Directors.

The Data Protection Act covers personal data, this is defined as information about a living individual. For information to be covered you must be able to identify them as the subject of the data. Any data which is held anonymously (some statistics for example) is not covered. Generally it will refer to data such as names, addresses, attendance records etc. All data is covered regardless of where it is held. Practically, staff should assume that the Data Protection Act covers data which is held manually in files and electronically as computer files. The Act also covers photographic images such as CCTV. All data that is held which allows information about a specific individual to be readily accessible is covered.

The Data Protection Act distinguishes between ordinary data such as names and addresses and sensitive data which would include ethnic origin, health information etc. Sensitive data is subject to stricter controls and if you are uncertain about collecting or using such data you should contact the General Manager or the Company Secretary for further advice.

2. Consent

All those on whom we hold data will normally be asked to give their consent to their data being used. Generally this consent will be routinely obtained when data is first collected, as in the case of new employees who will give their consent as part of their acceptance of a post or when a child first registers with Bright Beginnings. Employees who are already in post will be deemed to have given their consent.

With regard to the taking of photos, we will only do so with consent, and they will normally be for internal use unless agreed otherwise. For child protection reasons, we will not permit non members of staff to take photos at the Centre without the prior agreement of the General Manager.

3. Confidentiality

In general, we will respect the confidentiality of those on whom we hold data. However, in accordance with the law and any professional code of conduct that we adhere to, there may be exceptional circumstances when we may have to consider breaching such confidentiality, for example where serious harm is likely to occur or where we have concerns relating to the welfare of a child. In these situations, staff will discuss their concerns with the General

Manager or the Company Secretary before taking any further action.

We will be careful if we receive verbal or written requests for data from external sources. We will not disclose any personal information to a third party unless we have the consent of the data subject.

With regard to inquiries that we receive about the welfare of a child at the Centre, in general, we will only release such information to those persons who are known to us, such as parents, legal guardians and, with the agreement of the child's parent or legal guardian, other named individual. If the inquiry is made by phone, we will take suitable measures to confirm the identity of the caller before releasing any information. If in doubt, staff should consult the General Manager.

4. Uses

Except where the use of the data is clearly obvious, it is necessary to explain to people what their data will be used for. In the case of staff, this is outlined in Part II, Appendix 1 of the University of Leeds' Code of Practice on Data Protection¹. In the case of users of Bright Beginnings, a Privacy Statement will be available for consultation upon request from the reception counter at the Centre (for ease of reference, the Statement is set out at the end of this guidance note). If there are any concerns over any of the items on the list these should be addressed to the General Manager or the Company Secretary.

Where sensitive data is to be used it is particularly important to identify the proposed use and obtain the consent of the data subject.

5. Relevant data

Before asking for or using data you should consider whether or not it is necessary for the purpose intended.

6. Access to data

Anyone on whom we keep data has the right to request access information relating to their data, including a copy of that data. Anyone wishing to exercise this right should put their request in writing to the Company Secretary and enclose a fee of £10. We will respond to a request within 40 days although we hope to satisfy the majority of requests more quickly. The purpose of the formal access procedure is for processing requests for a complete set of data which may take some time to compile.

Please be aware that this does not affect day to day routine enquiries (e.g. requests for holiday records, copies of letters etc.) which will be dealt with in the normal way. If staff are responding to an informal request of this kind and you do not know the person requesting the information please check for identification prior to releasing it.

7. Accuracy of data

There is a duty both on the person who provides the data and the person who receives it to make sure that it is accurate. It is the responsibility of all staff and users to make sure that information provided is accurate and that we are notified of any changes to this data.

It is important that we are told of any changes without delay, especially phone numbers, so that we can contact people in an emergency.

¹ <http://campus.leeds.ac.uk/dpa/appendix-i.htm>

8. Retention of data

The following list identifies different types of data and the length of time they will be kept for. If staff have other data that is not covered and are uncertain how long it should be kept for then this should be discussed with the General Manager or the Company Secretary. (Note: all personnel-related records are kept by the University of Leeds Human Resources office, which administers personnel matters on behalf of Bright Beginnings.)

<i>Type of Data</i>	<i>Keep For</i>
<ul style="list-style-type: none">• Personnel files including training records and notes of disciplinary & grievance hearings	<ul style="list-style-type: none">• 6 years from the end of employment
<ul style="list-style-type: none">• Application forms/interview notes	<ul style="list-style-type: none">• 4 months from the date of the interviews
<ul style="list-style-type: none">• Facts relating to redundancies where less than 20 redundancies	<ul style="list-style-type: none">• 3 years from the date of redundancy
<ul style="list-style-type: none">• Facts relating to redundancies where more than 20 redundancies	<ul style="list-style-type: none">• 12 years from date of redundancies
<ul style="list-style-type: none">• Income tax and NI returns including correspondence with tax office	<ul style="list-style-type: none">• At least 3 years after the end of the financial year to which the records relate
<ul style="list-style-type: none">• Statutory maternity pay records and calculations	<ul style="list-style-type: none">• As above
<ul style="list-style-type: none">• Statutory sick pay records and calculations	<ul style="list-style-type: none">• As above
<ul style="list-style-type: none">• Wages and salary records	<ul style="list-style-type: none">• 6 years
<ul style="list-style-type: none">• Accident books, and records and reports of accidents	<ul style="list-style-type: none">• 3 years after the date of the last entry
<ul style="list-style-type: none">• Health records	<ul style="list-style-type: none">• During employment
<ul style="list-style-type: none">• Health records where reason for termination of employment is connected with health, including stress related illness	<ul style="list-style-type: none">• 3 years
<ul style="list-style-type: none">• Medical records kept by reason of the Control of Substances Hazardous to Health (COSHH) regulations	<ul style="list-style-type: none">• 40 years
<ul style="list-style-type: none">• Registration forms for places at Bright Beginnings and other records and documentation relating to the user generated during the course of the provision of the service	<ul style="list-style-type: none">• 6 months from the date the user leaves the Centre

9. Data security

Data must be kept securely. In the case of manual data this means in a locked cabinet. Computer data must be password protected; and passwords must be kept confidential and be changed on a regular basis². It is recommended that any particularly sensitive data is not held on the computer network but on a standalone system. In addition, electronic data should not normally be accessed remotely.

Data should not be taken away from the Centre. If, in exceptional circumstances, there is a need to transport data away from the Centre, staff should obtain permission from the

² For further guidance about keeping personal and confidential electronic data secure, see: <http://campus.leeds.ac.uk/isms/advice/secure.html>

General Manager to do so and the data should be transported and kept securely (for electronic data, this should be appropriately encrypted).

All data should only be accessible by those who need to use it. You should question and must be able to justify why someone needs access to data. We will only provide access to manual and electronic records in exceptional circumstances and with the consent of the General Manager.

10. Further information

If you require any further information on this subject or have any questions, please contact the following individuals:

General Manager: Louise Fairbrass
Bright Beginnings Childcare Centre Leeds
Mount Preston Street
Leeds LS2 9NQ

 l.m.fairbrass@leeds.ac.uk

 0113 343 1818

Company Secretary: Catherine Cho
The Secretariat
11.75 E C Stoner Building
University of Leeds
Leeds LS2 9JT

 c.l.l.cho@adm.leeds.ac.uk

 0113 343 4054

Specific Guidance Notes For Staff

1. In general you must not disclose personal data to a third party unless:

- the disclosure is covered by the lists set out below declaring intended uses of data;
- you have the consent of the data subject;
- the disclosure is in the interests of the person concerned in an emergency or in very limited circumstances, e.g. the person is taken to hospital and is known to be pregnant you would be expected to inform the hospital of this fact.

If the police request information you should refer them to the General Manager or the Company Secretary who will deal with the request.

If in doubt you should not disclose the information but seek advice from the General Manager or Company Secretary.

2. When dealing with data please ask yourself the following:

- do you really need to record the information?
- is the information 'ordinary' or is it 'sensitive'?
- does Bright Beginnings have the data subject's consent, i.e. is it included within the list of uses set out below?
- are you authorised to collect/store/process the data?
- if so, have you checked with the data subject that the data is accurate?
- are you sure that the data is secure?

3. When writing notes on individuals please check the following:

- is this comment fair, accurate and justifiable?
- would I feel comfortable showing this to the data subject?

If not then the comment should not be recorded.

4. Given that we can no longer guarantee the confidentiality of the references we write, anyone writing a reference must ensure that they are fair and accurate and therefore:

- confirm the accuracy of or provide factual information
- differentiate between statements of fact and opinion
- express only justifiable opinions, based on first-hand experience
- avoid ambiguous or coded language.

To protect the person writing the reference from any repercussions under the Data Protection Act all references should be forwarded to the General Manager before being sent so that a copy can be made for the personnel file and the content can be double checked for accuracy and fairness.

Privacy Statement

Parents/Guardians agree that their data and the data of their children may be used for the purposes set out below.

- General administration to allow for the delivery of services to the users of Bright Beginnings.
- Monitoring absence or sickness in line with the user's contract with Bright Beginning.
- Management planning.
- Administration of Bright Beginnings's policies and procedures.
- Compliance with the Disability Discrimination Act.
- Compliance with any statutory requirement to provide information about users including statistical returns to external bodies.
- Production of published lists of users for both internal and external use.
- Production of photographs of users for display within the university or on the web.
- Monitoring the use of Bright Beginnings resources.
- In exceptional circumstances, communication with third parties where permitted under the Data Protection Act, for example in cases of emergencies and where there is a legal requirement to report concerns relating to the welfare of a child.

For further information, see Bright Beginning's Policy on Data Protection.

If you have any questions or concerns, please contact either of the following individuals:

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