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Revision		Approved By	<b>Justine Reed</b>	Approval Date <b>30/09/2022</b>

## **Scope**

This policy applies to all provision for early years aged children, and also – where appropriate – to before and after school provision and walking bus provided by Duchy Pre-school and Playgroup for primary school aged children attending The Duchy School in Bowley Meadow.

## **Statement of Intent**

Here at the Duchy Preschool and Playgroup your privacy is important to us. In line with the latest Data Protection Act 2018 and the General Data Protection Regulation 2018 (GDPR), we will ensure that any information you provide us with will be used appropriately. It is also our intention to ensure that the use of information technology complies with good security practice.

This privacy notice explains what personal data we collect, why we collect it, how we use it, the control you have over your personal data and the procedures we have in place to protect it. Duchy Preschool and Playgroup is registered as a Charitable Incorporated Organisation in England and Wales (number 1157005) with its registered address as Millway, Bradninch EX5 4NL. For the purpose of GDPR, Duchy Preschool and Playgroup is the data controller of your information. This means we are responsible for deciding how we hold and use your personal data.

## **What personal data do we collect?**

We collect personal data about you to manage the employment relationship you have with us. Personal details that we collect about you includes:

- your name, address, date of birth, gender, telephone number, emergency contact details;
- your marital status and dependants;
- work and employer history, qualifications and training;
- your membership of any professional bodies;
- your bank account details, National Insurance number, and tax code;
- information on health and medical conditions;
- your right to work in the UK;
- your criminal record;
- information about you in order to comply with the Disqualification by Association Regulations (only if applicable);
- your work pattern and periods of leave;
- concerns, complaints (only if applicable);
- performance related data;
- informal and formal action taken, warnings and related correspondence (only if applicable);
- equal opportunities monitoring.

We collect this information from your application form/CV, starter forms, copies of documents you provide, during meetings held with you and through other correspondence (if relevant). We may

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also collect information from third parties, references from previous employers and criminal record checks from the DBS.

## ***Why we collect this information and the legal basis for handling your data***

We use personal data about you in order to fulfil the employment contract you have entered into. This includes using your data to:

- fulfil the terms of our employment relationship with you; and
- pay your salary.

We also process your personal data in line with our legitimate interest for the following reasons:

- maintain accurate records, including emergency contact details;
- to implement our employment policies and procedures and keep appropriate records;
- to keep record of absences;
- to ensure effective management of employee related issues;
- planning, management and forecasting regarding the setting.

We also process certain categories of data to comply with legal obligations. This includes:

- information on health and medical conditions;
- information relating to criminal records;
- certain types of leave for example sickness, maternity, paternity, etc., and to make appropriate payments.

With your consent we may wish to take photographs of you to promote the setting, and to use your photo and name in displays around the setting. If this is the case, we will ask for your consent in writing and provide further details. You will also have the right to withdraw your consent at any time.

## ***Who we share your data with***

In order for us to fulfil the terms and conditions of our employment relationship and to meet our legal obligations we will also share your data as required with the following categories of recipients:

- Ofsted as part of the recruitment and inspection process;
- the Disclosure and Barring Service (DBS) to establish suitability for employment in the setting;
- an umbrella body that is able to process DBS applications on our behalf;
- with our payroll processor, in order to pay your salary;

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- HMRC for taxation purposes;
- banking services to pay your salary;
- NEST, to comply with automatic enrolment pension obligations;
- our insurance underwriter, if you have an accident at work;
- with parents and service users so that they have an understanding of your qualifications and experience.

We will also share your data if:

- we are legally required to do so, for example, by law, by a court or the Charity Commission;
- to enforce or apply the terms and conditions of your contract with us;
- to protect a child or children, for example by sharing information with the Local Authority Designated Officer, social care or the police;
- it is necessary to protect our rights, property or safety;
- with our legal advisor where it is necessary to apply the terms and conditions of your employment contract or where there is a dispute;
- we transfer the management of the setting, in which case we may disclose your personal data to the prospective buyer so they may continue the service in the same way.

We will never share your data with any other organisation to use for their own purposes.

### ***How do we protect your data?***

We take security of your personal data seriously. We have internal policies and strict controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed and to prevent unauthorised access.

### ***Where do we store your data?***

All data you provide to us is stored in on secure servers located in the UK or the European Economic Area. We may also store data in paper files.

### ***How long do we retain your data?***

We retain your personal data as follows:

- records – 6 years after employment ceases;
- wages/salary records (including overtime, bonuses, expenses) – 6 years;
- statutory Maternity Pay (SMP) records – 3 years after the end of the tax year in which the maternity period ends;
- Income Tax and National Insurance returns/records – at least 3 years after the end of the tax year to which they relate;
- staff accident records and reportable health and safety incidents – 3 years after the date of the last entry;
- accident/medical records as specified by the Control of Substances Hazardous to Health

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regulations (COSHH) 2002 – 40 years from the date of the last entry.

### ***Automated decision-making***

We do not make any decisions about you based solely on automated decision-making.

### ***Your rights with respect to your data***

As a data subject, you have a number of rights. You can:

- request access, amend or correct your personal data;
- request that we delete or stop processing your personal data, for example where the data is no longer necessary for the purposes of processing;
- request that we transfer your personal data to another person.

If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how we handle your data please contact us on 01392 881975 or duchypreschool@googlemail.com. If you continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk.

### ***Early Years Alliance***

As members of Early Years Alliance we are able to access support and legal advice to ensure we do our very best to keep updated with what we should be doing to protect ourselves and our customers.

### ***Data Protection***

The Duchy Preschool & Playgroup is registered with the Information Commissioner as a Data Controller under the Data Protection Act 2018. Our registration number is ZA197054.

### ***Confidentiality***

The terms of the Playgroup Confidentiality Policy apply to data held electronically, as well as in physical form.

### ***ICT security***

a. Firewall & Antivirus

Internet access in the setting shall be made via a firewall, and appropriate anti-virus

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software shall be used. Anti-virus software shall use virus definition files that are kept up to date.

d. Backups

As a minimum requirement, weekly backups of important information shall be made. Backups shall be stored off-site.

### ***Trustee's home pcs and storage of files (electronic & paper)***

Trustees shall take adequate precautions to safeguard any personal data which may from time to time be communicated to them in the course of their committee responsibilities. Ideally any data retained should be in an anonymous form, and data containing identifiable personal information should be held for the minimum time necessary and then securely destroyed.

### ***Users of internet banking***

Internet banking transactions shall require more than a single authorisation.

### ***Email and removable media (USB flash memory and optical media)***

The use of email or removable media (optical media, or flash memory such as USB sticks) to transmit identifiable personal data is discouraged. If there is a requirement to transfer such information permission must be sought from a member of the premises committee and a risk assessment performed where appropriate. Ideally data should be encrypted using public key encryption (PGP or GPG)

### ***Sharing data with suppliers and officials (e.g. DCC, OFSTED etc)***

With exception of data required by law (such as for CRB/DBS checks), personal data shall only be communicated to suppliers and officials in response to a written request, and following a risk assessment where appropriate. Data for statistical purposes shall be supplied in an anonymous form.

### ***Changes to this notice***

We keep this notice under regular review. Any changes to this notice will be posted at [www.duchypreschool.org.uk](http://www.duchypreschool.org.uk) and where appropriate, notified to you by email so that you may be aware of how we use your data at all times.

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Responsibility for periodic review	<b>Facilities Sub-committee</b>
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**Document History**

<b>Rev</b>	<b>Changes</b>	<b>Date</b>	<b>Approval</b>
00	Original policy	16/07/19	Gosia Prout
	Reviewed	18/3/21	Keith H
	Reviewed	30/09/22	Justine Reed
	Reviewed	06/01/24	Katy Taylor

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