**Data Protection Policy**

Kinder Croft CIC (KC) complies with the Data Protection Legislation in respect of the collation,

processing and storing of personal information. We respect the individual’s right to

confidentiality.

Data Protection Legislation means all applicable privacy and data protection laws including the

General Data Protection Regulation (EU 2016/679) (“GDPR”) or any successor legislation to the

GDPR and any national implementing laws, regulations and secondary legislation, as amended or

updated from time to time.

Information is held for 3 main purposes:

• Staff administration and finance

• Records relating to children’s attendance, wellbeing and safety

• Those which support the realisation of the objectives of KC as a Community Interest

Company such as project work externally funded with specific recording requirements.

Where possible information will be anonymised before being transferred.

In holding information we are legally bound to adhere to the Data Protection legislation (see

above)

1. Personal data will be processed fairly, lawfully and in a transparent manner. We will only

hold as much data as is necessary.

2. It will be obtained for specific, explicit and legitimate purposes and not processed in a

manner incompatible with those purposes.

3. It shall be adequate, relevant and not excessive for the purpose for which it was

processed.

4. It shall be accurate and kept up to date. Confidential information will be kept securely

according to policy and disposed of in accordance to our Abeyance Policy.

5. Information will not be kept for longer than necessary for purpose. KC information falls into

several categories with different storage and retention timescales as below. After such time has

passed, the information and files will be destroyed or deleted in accordance with Data Protection

guidance.

• Records of attendance will be kept for one year after the child has left the KC nursery.

• Where a child has specific personal circumstances e.g. around complex additional

support, records will be retained for 10 years from the child leaving the KC nursery.

• Children's Profiles and observation notes will become the property of the parents/ carer

when the child leaves the KC nursery. No copies will be held by KC.

• Accident and incident records will be retained for 5 years following the child leaving the

setting.

• Insurance certificates will be retained for 40 years.

• Staff employment records will be retained for 6 years.

• Accounts/ financial records will be retained for the current year plus 6 years previous.

• Pension Scheme records will be retained for 12 years following the ending of any benefit

payable under the scheme.

• Child Plans will be destroyed securely when the child leaves the KC nursery.

•

Child Concern Forms that pertain to a child’s safety and which originated from KC will be

retained permanently.

6. KC will be cognisant of the rights of individuals. Individuals have a right to apply to the

company for a description of the personal data, details of the purpose for which the data has

been processed, details of the recipients of that data, the source and, where appropriate, to

request that inaccurate data is corrected or erased. They have a right to object to processing of

data which is likely to cause damage or distress. Contact the KC Chair or manager to initiate this.

7. Appropriate technical and organisational measures shall be taken against unlawful

processing of personal data and accidental loss or damage to this data.

8. Data will not be transferred out of the European Economic area unless that country

ensures ‘An adequate level of protection for the Rights and Freedom of Data Subjects’.

All requests for the provision of KC data should be made in by contacting the KC Chair Merlin

Planterose at The Cabin, Leckmelm Wood, Ullapool, Ross-shire, IV23 2RH. Mplanterose@me.com

All information held will be treated as confidential and will only be accessed by appropriate staff

with exception being made only where:

• Failure to share information puts a child at risk.

• Failure to share information puts the service user at risk.

• Information is required by the Police or Social Services and is supported by the

appropriate documentation.

It is recognised that some KC employees will have access to and knowledge of personal and

sensitive information in the course of their employment. All employees must be familiar with the

restrictions and obligations set out in Data Protection Legislation and adhere to the requirements

thereof at all times.

Staff must follow procedure to ensure their digital information is kept secure at all times. This may

include, but not limited to, ensuring passwords, encryptions and cyber security software such a

virus protection are up to date and used on all devices that may allow external access to

confidential information or data.

To adhere to the Data Protection Legislation, and in the interest of good working relationships and

harmony within the organisation, individuals should not discuss the performance of colleagues or

clients unless it is within a recognised forum i.e. support and supervision, or through the

grievance procedure. There should be the utmost care taken to protect the confidentiality of any

information regarding children, families and staff, either verbal or online, while in a public space

such as on public transport.

Compliance with this policy is a condition of employment and any breaches may lead to

disciplinary action and criminal proceedings.

If staff become aware of a Data Protection Breach, such as the accidental loss of files, theft of a

laptop or cyber attack, they must follow the Breach Protocol immediately.

Verified: M.Planterose

On: 23/11/22

Date of review: 23/11/22