

Data Protection Policy

1. Statement of intent

Bell House Nursery is fully committed to comply with the requirements of the Data Protection Act 1998 ("the Act"). Bell House Nursery will therefore follow procedures that aim to ensure that all employees are fully aware of and abide by their duties and responsibilities under the Act.

2. Aim

In order to operate efficiently, Bell House Nursery has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

Bell House Nursery regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence Bell House Nursery and those with whom it carries out business Bell House Nursery will ensure that it treats personal information lawfully and correctly.

3. Methods

The Act stipulates that anyone processing personal data must comply with Eight Principles of good practice.

- 3.1 Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- 3.2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3.3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 3.4 Personal data shall be accurate and, where necessary, kept up to date.
- 3.5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 3.6 Personal data shall be processed in accordance with the rights of data subjects under this Act.

- 3.7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 3.8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **"sensitive" personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

4. Handling of personal/sensitive information

Bell House Nursery will, through appropriate management and the use of strict criteria and controls:-

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These include:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days;
- The right to prevent processing in certain circumstances;
- The right to correct, rectify, block or erase information regarded as wrong information.

All managers and staff of Bell House Nursery will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.

5. Notification to the Information Commissioner's Office

The Information Commissioner maintains a public register of data controllers and Bell House Nursery is entered on this register.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

The registered data controller for Bell House Nursery is:

Mr Andrew Hayes & Mrs Clare Hayes
Directors / Management
Bell House Nursery Ltd

and is the person responsible for notifying and updating the Information Commissioner's Office.

The register entry for Bell House Nursery contains personal data held for 6 purposes.

1. Staff Administration
2. Advertising, Marketing and Public Relations
3. Accounts & Records
4. Provision of Child Care
5. Education
6. Crime Prevention & Prosecution of Offenders

6. Special Provisions

6.1 CCTV

Bell House Nursery is dedicated to providing the highest standards in care and education for nursery and pre-school children. A Closed Circuit Television (CCTV) system provides a way of improving the safeguarding of children and staff who attend the setting.

The CCTV system is owned solely by Bell House Nursery and has been installed to fulfil the following objectives:

1. To protect the assets of Bell House Nursery
2. To increase personal safety and reduce the fear of crime, in particular, access to the building by people whose intent is to cause harm to children or staff of Bell House Nursery.
3. To support the police in a bid to deter and detect crime
4. To assist in identifying, apprehending and prosecuting offenders
5. To protect members of the public and private property & staff

6.2 Practice

The CCTV system is registered with the Information Commissioners Office and follows the requirements of the Data Protection Act 1998 (the Act). Bell House Nursery will seek to comply with the requirements both of the Data Protection Act and the Commissioners Code of Practice. Bell House Nursery will treat the CCTV system and all images, information, documents and recordings obtained and used as data which are protected by the Act in the strictest confidence.

CCTV Cameras will be used to monitor activities within the Main Reception, Toddler Rooms, Baby Room, car park, playground and front entrance. For reasons of crime prevention and unlawful access to the building outside of Bell House Nursery hours, the system is in continuous operation.

Children's changing areas and all toilets in the building are deemed inappropriate for monitoring purposes. These areas are not covered by the CCTV cameras.

Private dwellings and property are not covered by the CCTV cameras.

Unless an immediate response to events is required, staff must not direct cameras at an individual, their property or a specific group of individuals, without an authorisation being obtained, as set out in the Regulation of Investigatory Power Act 2000.

Images will only be released to the police for use for the investigation of a specific crime and with the written authority of the police.

Images will not be released to the media unless this has been agreed by parents/carers or other individuals who are pictured in the images.

No images will be released to anyone for the purposes of entertainment.

The planning and placement of CCTV cameras has sought to ensure that the system will give maximum effectiveness and efficiency for its registered purposes, but it is not possible to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

Signage stating the use of CCTV, as required by the Code of Practice of the Information Commissioner has been placed at all access routes to areas covered by the CCTV system and additionally directly beneath each camera.

6.3 Operation of the system

The scheme will be managed by Andrew Hayes & Clare Hayes, in accordance with the principles and objectives expressed in this policy.

The control panel will only be operated by either Andrew Hayes or Clare Hayes, joint owners and partners of Bell House Nursery.

The CCTV system will be in operation 24 hours a day, every day of the year.

6.4 Control of Cameras

The Manager or Deputy Manager/s will, on a daily basis check that all cameras are functional from a monitor situated in Bell House Nursery office.

Unless an immediate response to events is required, staff will not direct cameras at an individual or a group of individuals. Authorisation to redirect any camera must be obtained from Andrew Hayes or Clare Hayes, as the registered controller of the system.

Administrative functions will include the maintenance of hard disc space.

6.5 Monitoring Procedure

Camera surveillance may be maintained at all times.

A monitor is installed in Bell House Nursery Office where management staff can monitor the activities of the Nursery, limited to the rooms stated previously. The Nursery office is kept locked at all times when the Nursery is not open for business.

The system has the facility to store images to the hard drive and also to external devices if required. These external devices are CD/DVD/ or memory devices requiring a physical connection to a USB port. The transfer of images to these devices will only be carried out with the authorisation of Andrew Hayes or Clare Hayes, the registered controller. Such occurrences of any transfer of images will require a record being entered, that includes:

1. Each record made must be uniquely identified, using a naming convention that follows a format of room-date-time of the image record being taken.

2. Before using each recording, any previous recording made on the media must be erased.
3. The controller shall register the date and time of when the image record was transferred, including the unique mark reference.
4. A recording required for evidential purposes must be sealed, witnessed, signed by the controller, dated and stored in a separate, secure store. If the record is not copied for the police before it is sealed, a copy may be made at a later date providing that it is then resealed, witnessed, signed by the controller, dated and returned to secure storage.

7. Access to records

7.1 By legal authorities

Recording media may be viewed by designated operators and the police for the prevention and detection of crime.

A record will be maintained of the release of records to the police or other authorised applicants.

Viewing of records by the Police must be recorded in writing in the log book. Requests by the Police can only be actioned under section 29 of the Data Protection Act 1988.

Should a record be required as evidence, a copy may be released to the police under the procedures described in this policy. Records will only be released to the police on the clear understanding that the record remains the property of Bell House Nursery, and both the record and information contained on it are to be treated in accordance with this code. Bell House Nursery retains the right to refuse permission for the police to pass on the record or any part of the information contained therein to any other person.

The Police may require Bell House Nursery to retain the stored records for possible use as evidence in the future. Such records will be properly indexed and securely stored until they are needed by the police.

Applications received from other external bodies (e.g. solicitors) to view or release records will be referred to Andrew Hayes & Clare Hayes, the registered controller.

A charge of £10 will be made to cover the costs of producing the material. This charge applies to any authorised person requiring a copy of recorded images from the CCTV system.

7.2 Access by the Data Subject

The Data Protection Act provides Data Subjects (individuals to whom "personal data" relate) with a right to view data held about themselves, including those obtained by CCTV.

Requests for Data Subject Access should be made in writing to Andrew Hayes. In most cases a valid subject access request will receive a response within 40 calendar days of receiving the request. If an individual requires a copy of any images recorded on the CCTV system, then this will be subject to a charge to cover the cost of producing the material, as previously outlined.

Digital recordings will be kept for a maximum of 28 days, unless specific incidents have been recorded subject to further investigation.

8. Breaches of the code (including breaches in security)

Any breach of this policy by Bell House Nursery staff will be initially investigated by Andrew Hayes & Clare Hayes, the registered controller in order, for her to take appropriate disciplinary action.

Any serious breach of the Code of Practice will be immediately investigated and recommendations made on how to prevent any repetition of the breach.

9. Complaints

Any complaints about the recording and storage of data, including images recorded by the CCTV system, should be made in writing, and addressed to

Clare Hayes (Manager)
Bell House Nursery
Moss Lane
Godalming
Surrey
GU7 1EF

All complaints will be investigated in accordance with this policy.

Reviewed by Clare Hayes and Tracy Cox
Review date September 2016
Next Review date September 2017