**VICTORIA COLLEGE BELFAST**

**(incorporating Richmond Lodge School)**

**Day Care**

**Data Protection Policy- referencing Standard 15**

**1. Rationale:**

Victoria College Day Care is registered under the Data Protection Act and needs to keep certain information about its staff, students, parents and children. It is also necessary to process information so that employees can be recruited and paid. Victoria College Day Care must comply with the Data Protection Principles that are set out in the Data Protection Act 1998 and amended in 2002. This policy applies to all teachers, leaders and assistants, employed by Victoria College Day Care.

**2. Aims and Objectives:**

In accordance with the Data Protection Act 1998 personal data will:

* be obtained and processed fairly and lawfully and will not be processed unless certain conditions are met.
* be obtained for a specified and lawful purpose and will not be processed in any manner incompatible with that purpose.
* be adequate, relevant and not excessive for that purpose.
* be accurate and kept up to date.
* not be kept for longer than is necessary for that purpose.
* be processed in accordance with the data subject’s rights.
* be kept safe from unauthorised access, accidental loss or destruction.
* not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

All staff who process or use any personal information should ensure that they follow these principles at all times.

**3. Procedures:**

Any member of staff or any individual on whom Day Care holds information who considers that the policy has not been followed in respect of personal data about themselves, should raise the matter with the designated data controller (Mrs Kirsty Hrabovsky) initially, who will pass on the relevant information to the Information Commissioners Office. If the matter is not resolved it should be raised as a formal grievance.

**Notification of data held and processed**:

All staff or any individual on whom the setting holds information are entitled to:

* know what information Day Care holds and processes about them and why.
* know how to gain access to it
* know how to keep it up to date
* know what Day Care is doing to comply with its obligations under the1998 Act Responsibilities of Staff:

**As an individual you are responsible for**:

* checking that any information you provide to Day Care in connection with your employment is accurate and up to date
* informing Day Care of any changes to information which you have provided, e.g. changes of address
* checking the information that Day Care will send out from time to time, e.g. the yearly personal details update
* informing Day Care of any errors or changes.

Victoria College Day Care cannot be held responsible for any errors unless you have made this information known. If, and when, as part of your responsibilities, you collect information about other people (opinions on reports, references, marks, details of personal circumstances) you should follow the guidelines set out in the introduction.

**Data Security:**

As an individual you are responsible for ensuring that:

* any personal data that you hold is kept securely
* personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party
* personal information should be kept in a locked filing cabinet, or in a locked drawer, or If it is computerised, be password protected, or kept only on disk which is itself kept securely.

**Rights to Access Information**:

Pupil information is safely stored in a locked cupboard within the setting’s office (Standard 15). Parents/carers will only have access to the files and records of their own children, in accordance with the Data Protection Act.

Staff or any individual on whom the Day Care holds information have the right to access any personal data that is being kept about them either on computer or in certain files. Anyone who wishes to exercise this right should report this to the Day Care Manager, Mrs Amy Baker.

Before gaining access, the person might wish to know what information is currently being held. This request should be made in writing. Day Care is entitled to make a charge on each occasion that access is requested.

Day Care aims to provide access to personal information as quickly as possible, but will make sure that it is provided within 21 working days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing to the person making the request.

**Subject Consent:**

Day Care can only process personal data with the consent of the individual. Agreement to Day Care processing certain types of personal data is a condition of employment for staff. This includes information about previous criminal convictions. All members of staff, volunteers and students who come into contact with children and students will be subject to police and Social Services checks. Day Care has a duty under the Children Act and other enactments to ensure that staff are suitable for the job. There is also a duty of care to all staff, volunteers and students to make sure that employees (and those who use the Day Care) do not pose a threat or danger. Day Care will also ask for information about particular health needs, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. This information will only be used for the protection of the health and safety of the individual.

All records, including those pertaining to children and staff, must be accessible to the HSC Trust’s Registration and Inspection staff.

**Processing Sensitive Information**:

When data is sensitive, expressed written consent must be obtained to share the information with other specified individuals. Sometimes it is necessary to process information about a person’s health, criminal convictions, race, ethnicity, gender and family details. This may be to ensure Day Care is a safe place for everyone, or to operate other policies. Because this information may be sensitive and the processing of this may cause concern or distress, staff and students will be asked to give consent for this.

**Retention of Data:**

All staff information will be kept for seven years after leaving employment. This will include information necessary in respect of pensions, taxation and information required for job references. Pupil information with be retained for 25 years- reference the Day Care’s Management of Records policy.

**Disposal of information:**

Printed information will be shredded. Any disks containing information will be physically destroyed and all computer information will be deleted permanently. For further detail, reference the Day Care’s Management of Records policy.

**4. Review and Evaluation:**

The policy will be reviewed at least once a year by the Board of Governors. The policy will be kept under review by senior members of staff who will keep Governors informed of any difficulties that may arise.