



## Data Protection Policy

The data protection act 1998 regulates how your personal information is used and protects you from misuse of your personal details.

The data protection act itself is quite complex, but it does provide common sense rules which prohibit the misuse of your personal information but does not stop it being used for legitimate or beneficial purposes.

The data protection act requires personal information to be:

- Fairly and lawfully processed.
- Processed for limited purposes.
- Adequate, relevant and not excessive.
- Accurate.
- Not kept longer than necessary.
- Processed in accordance with your rights.
- Kept secure.
- Not transferred abroad without adequate protection.

The act provides stronger protection for sensitive information about your ethnic origins, political opinions, religious beliefs, trade union membership, health, sexual life and any criminal history.

The act is enforced by an independent authority called the information Commissioner. They have the power to take action against organisations that misuse information about you.

## **How we comply with data protection legislation**

When we collect staff, children's and parents details we explain to them why we hold the information we do.

- we also tell them they have the right to access their own or their child's information.
- if at any time the information is incorrect the staff member or parent can change it so that it is correct.
- any information that could be passed on, if necessary, to outside agencies, such as Ofsted and why.
- we would not send any information on to any outside agencies such as Ofsted without telling the person first.
- the only exception being the police, we can tell provide this information without telling the individual if notifying them would be likely to prejudice the investigation or prevention of a crime.
- disclosures can also be made if they are necessary for a court case or to obtain legal advice, for example in an employment tribunal case.
- we would not use information to pass on to agencies for direct marketing purposes.
- you have the right to know whether you, or someone on your behalf, is processing personal information about them.
- receive a copy of the personal information if they require one.
- the person asking for personal information on a staff member, child or parent has the right to ask for proof of identity, address etc. This can be in the form of a passport, house hold bill etc.
- all information must be understandable if it is not understandable it must be explained by the person, and written or recorded in such a way that it can be understood.
- Staff who have access to personal information is kept to a minimum.
- All staff who have access to other people's personal information or those who are observing staff or children are given the policies and procedures which apply to data protection and the data protection act guidelines to ensure they know the legalities.

## **Observing staff and children**

All employers must justify why they are monitoring staff or the children staff care for and ensure that there is no negative effect on either children or staff. To assess whether staff and children should be monitored or not the data protection act sets out these guidelines:

- identifying the purpose behind the monitoring.
- Identifying any adverse impact of the monitoring on the staff or children.
- Considering alternatives to monitoring.
- Taking account of obligations that arise from monitoring, such as setting up new processes to ensure records are secure.

Workers and parents of children who are observed are made aware of why we do this and the length of time we will do this. Any covert observations made must be justified and the only justification there is, is if the person is suspected of criminal activity or malpractice. Anyone observing children or staff must be fully aware of the data protection act 1998 and its implications.