

Hare Hatch Montessori Data Protection Policy

1. Introduction

Hare Hatch Montessori is required to collect and process data for several purposes concerning its staff, contractors, parents, children and any other individual who comes into contact with the company. In gathering and using this data Hare Hatch Montessori is committed to protecting all individual's rights of freedom and privacy

Hare Hatch Montessori is fully committed to full compliance with the requirement of the General Data Protection Regulation (GDPR). In line with this, this policy describes how personal data must be collected, handled, managed and stored in order to comply with the company's data protection standards and the law.

Why This Policy Exists

This data protection policy sets out the rules that all personal data collected, processed, stored, shared and disposed of on behalf of Hare Hatch Montessori is compliant with the obligations of the General Data Protection Regulation (GDPR).

This policy has been put in place to ensure Hare Hatch Montessori:

- Complies with the requirements set out by GDPR
- Protects the rights and privacy of any individual the company holds data on, including but not limited to; staff, contractors, parents and children
- Reduces the risk of a data breach
- Has a clear and consistent approach to the collection, storage and management of data

Relevant Legislation

The General Data Protection Regulation (GDPR) has been in force since 25th May 2018. It applies to all organisations who offer services to monitor or process the personal data of subjects residing in the EU.

Policy Scope

This policy applies to:

- All settings operated by Hare Hatch Montessori
- Offices and other sites operated by Hare Hatch Montessori
- All staff and volunteers employed by Hare Hatch Montessori
- All contractors, suppliers and other people working on behalf of Hare Hatch Montessori

This policy applies to all data that the company holds relating to identifiable individuals, even if that information technically falls outside of the Data Protection Act 1998.

This can include (but is not limited to):

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- Photographs
- Wage and salary information
- Medical records
- Date of births
- Copies of identification
- Curriculum Vitae (CVs)
- Staff performance records
- Disciplinary records
- Accident and incident records

Plus any other information relating to individuals

2. Data Protection Policy Statement

Hare Hatch Montessori is fully committed to ensuring full compliance with the requirement of the General Data Protection Regulation (GDPR).

Hare Hatch Montessori will:

- Protect the fundamental rights and freedoms of natural persons personal data
- Be lawful, fair and transparent in relation to how personal data is collected, stored and processed
- Collect data for relevant specified, explicit and legitimate purposes
- Keep accurate, up to date and detailed registers of personal data held
- Keep data for no longer than is required for the purposes it was collected
- Process data in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage
- Keep data secure with appropriate and technical and organisational measures taken to protect the information
- Process data in line with the right of the individual

3. Roles and Responsibilities

All Members of staff who work for Hare Hatch Montessori have a responsibility to ensure that data is collected, stored, processed and disposed of appropriately.

The following people have key responsibilities:

Nursery Owner

The Nursery Owner has overall responsibility for the implementation of the Data Protection Policy throughout the business.

They will:

- Ensure that the requirements of GDPR are understood and effectively managed
- Ensure that appropriate resources are provided to effectively implement the Data Protection Policy
- Ensure that a competent Head of Compliance is appointed to manage data protection

Data Protection Officer

The Data Protection Officer (DPO) oversees and has managerial responsibility for data protection in the business.

The DPO will ensure:

- There are adequate resources available for the business to be legally compliant with GDPR and the policies, procedures and management systems in place are robust and effective
- The business and its legal entities are registered with the Information Commissioner Office (ICO) and we co-operate with any of their requests or investigations
- A data protection policy is in place and reviewed on a regular basis
- Employees are aware of their obligations to comply with the GDPR and other data protection laws
- Monitoring of compliance with the GDPR and reviews of the policies, procedures and systems are undertaken to ensure they are effective
- Training, advice and information is provided to employees and business contacts when necessary in relation to data protection
- Data breaches are notified to the Information Commissioner within 72 hours of being made aware and an investigation is undertaken in response to the data breach
- An effective system is in place for compiling information requested as part of a Subject Access Request in line with the timescales detailed in GDPR
- Contracts with third parties are checked to ensure they are consistent with this

General Staff Guidelines

All Hare Hatch Montessori employees are required to comply with the following guidelines to ensure all personal data held by the company is used, stored and managed in the most appropriate way possible:

- Data should only be collected on approved Hare Hatch Montessori documentation, approval from the DPO must be sought where additional personal data is collected
- Data should only be used for its original purpose and only by those who need it for their work
- Data concerning individuals must not be communicated to other persons or organisations unless required to do so by law or under an approved contract
- Care should be taken when sharing data that you have checked the identity of the individual and the organisation they are representing, and you are confident they have a legitimate need for the information
- Take sensible precautions to ensure all personal data is kept secure. This should include locking computers when leaving a desk and making sure no personal data is left out in view of other people.
- Use strong and secure passwords when storing digital data and usernames and passwords should never be shared
- Data should be regularly reviewed and updated, and if found to be out of date or no longer required for its original purpose, it should be updated or deleted and disposed of in the manner detailed in the Retention and Disposal Guidance
- Employees should request help from the DPO if they are unsure of any aspect regarding data protection
- Documents containing personal data should be disposed of in line with the Retention and Disposal Guidance, with confidential waste bins being used before collection with our approved waste contractor. Documents that contain personal data should not be placed in general waste bins.
- Hare Hatch Montessori will provide training to all employees to help them understand their responsibilities when handling data
- Employees should ensure that the data held on office software is reviewed at least annually and updated

Staff that work from home or undertake work in locations other than those under the management of Hare Hatch Montessori should also comply with the following guidelines:

- Where possible use a Hare Hatch Montessori laptop or tablet that has been installed with approved firewall and security software

- Hare Hatch Montessori documents should not be downloaded and saved to personal computers or hardware
- Data should not be transferred onto a personal USB stick
- Employees should avoid leaving sensitive information out on display or in vehicles
- Computers should be password protected and locked when left unattended
- Documents containing personal data should be placed in a confidential waste bin, burned or shredded, they should not be placed in general waste bin.

4. Personally Identifiable Data

Hare Hatch Montessori only collect, process and store personal data where we have a valid lawful basis to require it. We do the following to be transparent:

- Provide information to data subjects in our Privacy Policy on where data is held, the lawful basis and how long we store it.
- Only use data for its original purpose, where we wish to use it for a different purpose, we will notify you of this and request your consent
- Keep data in as few places as necessary
- Update our data regularly using annual declaration requests
- Provide you with any information we hold on you when we receive a Subject Data Request
- Where an individual contests the accuracy of personal data, St Andrew's Montessori will restrict processing until the personal data has been confirmed and updated

Children's' Data

Hare Hatch Montessori collects, holds and processes a lot of children's data. There is an increased need to protect children's personal data because they are classed as vulnerable individuals. Where a child is under the age of 16, consent for the processing of the child's data is required from the child's parent or guardian.

Additional care should be taken when handling or sharing children's data to ensure that it is shared with only those that need to know the information. Some data such as medical data will need to be shared with staff to ensure that any emergency medical care can be given when needed however this should not be shared with people outside the organisation unless there is a legal requirement to do this.

Staff Data

We collect, hold and process data on employees as part of our legal responsibilities and in order that we can support and manage them in their work. Much personal data on employees is held on our HR software and employees should ensure that they check and amend the information held is accurate on a regular basis.

Sensitive Personal Data

Hare Hatch Montessori has recognised that special categories of personal data need to be processed as part of our business activities and this data needs additional protection to manage the risk. The special category data we collect is listed below:

Special Data	Lawful Process	Condition	Control
Childs Health Information	Vital Interest	Vital Interest	Information given as part of parent contract and consent agreed
Employee Health Information	Legal Obligation	Legal Claims	T&C on contract
Employee Race	Consent	Explicit Consent	Information given and consent agreed, T&Cs on contract
Employee Ethnic Origin	Consent	Explicit Consent	Information given and consent agreed, T&Cs on contract
Employee Religion	Consent	Explicit Consent	Information given and consent agreed, T&Cs on contract
Sexual Orientation	Consent	Explicit Consent	Information given and consent agreed, T&Cs on contract

All sensitive personal data is only processed when explicit consent is given or when the processing is necessary for substantial public interest reasons which must include measures to protect the interests of the data subject. We do not process any other data considered 'special' under the GDPR than those detailed above.

Criminal Convictions and Offences

Hare Hatch Montessori, as a childcare provider is required by law to review the history of employees in relation to historic criminal convictions and offences. As required by the GDPR we have provided information on this data below:

Data	Lawful Process	Authority	Control
Employee DBS Check	Legal Obligation – safeguarding requirement	Nursery owner or manager	Information given and consent agreed – DBS check date is recorded

5. Collecting and Processing Personal Data

Lawful Processing

Hare Hatch Montessori will only collect and process personal data when at least one of the following lawful processes apply:

- Consent: A data subject has given consent to the processing on his/ her personal data
- Contract: Processing is necessary for the performance of a contract
- Legal obligation: Processing is necessary for compliance with a legal requirement
- Vital interests: Processing is necessary to protect the vital interests of the data subject
- Legitimate interests: Processing is necessary for the legitimate interests pursued by the data controller or third party unless there is a good reason to protect the individuals' data which override those legitimate interests

Hare Hatch Montessori makes automatic decisions on the processing and use of data where it is:

- Necessary for the entry into or performance of a contract
- Required to comply with the law
- Based on the individuals explicit consent

Processing Parent and Child Data

All personal data regarding a parent, guardian, carer and child processed by Hare Hatch Montessori is mandatory in order to fulfil the requirements of the contract. Failure to provide this information will result in the child being declined a place at the nursery.

Processing Employee Data

All personal data regarding an employee processed by Hare Hatch Montessori is mandatory in order to fulfil the requirements of the contract. Failure to provide this information will result in the individual being unable to be join Hare Hatch Montessori as an employee.

Consent Management

Where processing is based on consent, Hare Hatch Montessori shall demonstrate that the data subject has consented to the storage and processing of his/ her personal data. For the collection of personal data which relies on explicit consent, data subjects are given the opportunity to freely give their consent to us processing that data for the specified purpose. Some examples of where explicit consent (outside the terms and conditions of the contract) is required are detailed below:

a. Consent for photographs

Hare Hatch Montessori recognises the taking of photographs is not compulsory for the fulfilment of a contract and is not required for legal reasons. Considering this, parents are given the opportunity to give or withdraw their consent for photographs of their child to be taken, displayed or used in various ways by Hare Hatch Montessori. This information is collected as part of the application pack.

b. Consent for Marketing

Hare Hatch Montessori recognises individuals are required to give explicit consent to be contacted for marketing purposes. Parents given the opportunity to freely give their consent to being contacted for marketing purposes. Consent is given in a granular manner to show clearly what is being agreed to. This information is collected as part of the application pack.

c. Other consents

For further processes where we require consent for additional functions or needs, an additional consent forms will be used. These include (but are not limited to):

- Involvement in parent/ event groups
- Use of software or equipment outside our normal work practices

6. Data Security, Retention, Storage and Disposal

Responsibilities and Procedures

Hare Hatch Montessori is committed to ensuring we do not hold personal data for longer than necessary. Hare Hatch Montessori retains different types of data for different periods of time due to the law or business need.

The Deputy Principle is responsible for ensuring data is only kept for the appropriate retention period. All data should be stored only in the location(s) detailed in the Hare Hatch Montessori Information Asset Register and all staff are required to follow the retention guidelines on the Management, Retention and Disposal guidance document, to ensure compliance with the GDPR.

Hard Copy/ Paper Records

When data is stored in paper format, it should be kept in a secure place where unauthorised people cannot see or gain access to it. The following procedures should be followed when handling paper documents. These guidelines also apply to electronic data which has been printed out.

- Paper files containing personal data should only be handled by those within the company that need it to complete an essential task and should not be shared unless it is necessary to do so
- When not in use, paper documents should be kept in a secure environment such as locked in a drawer, filing cabinet or office

- Paper or printouts containing personal information should not be left out
- Printouts where the data is no longer required should be securely disposed of in the confidential waste bin or shredded
- Procedures are in place to securely dispose of confidential waste

Soft Copy/ Electronic Records

When data is stored electronically, measures should be put in place to prevent data from unauthorised access, deletion, virus' and malicious hacking attempts

- Data should be stored on the portal or Dropbox and not on local drives or hardware
- Staff should be trained and be given information as to where the correct and secure place to save data is
- Data should be protected by a strong password which is regularly changed and never shared, even with those within the organisation
- Data should be backed up frequently
- Data should never be downloaded or saved directly onto personal laptops or mobile phones
- All servers and computers containing personal data should be protected by security and anti-virus software and a firewall
- Where possible removable media devices, such as a USB stick should not be used, where they are required, they should be encrypted, kept in a secure locked environment and wiped once they have been used for the purpose
- All staff should ensure computers or laptops are logged off or locked when left unattended.

Cyber Security

Hare Hatch Montessori ensures that all data is kept secure with appropriate technical and organisational measures taken to protect the information. Hare Hatch Montessori ensures all business computing devices have appropriate anti-virus, firewall and spam software to help minimise access to files and identify any areas of concern.

E-mails are checked regularly for viruses. However, no liability is accepted for any viruses which may be transmitted in or with e-mails.

Disposal of Documents

Employees must ensure that documents are only kept for the retention period set out for that particular type of data. All documents that exceed this retention period or are no longer required should be placed in a Confidential Waste bin or shredded. Any waste that is being stored should be kept in a secure location such as a locked cupboard or office to prevent unauthorised access.

7. Data Sharing and Processing

Third Party Sharing and Processing

Hare Hatch Montessori may need to share personal data with organisations outside the organisation, we refer to these as 'third parties'. This may be for a variety of reasons but where this is necessary Hare Hatch Montessori ensures all third parties who process data on behalf of Hare Hatch Montessori (the data controller) have robust systems in place to comply with the conditions set out in GDPR.

Most third parties who process data on behalf of Hare Hatch Montessori shall sign a Data Confidentiality Agreement. This outlines how we expect each organisation as a data processor, to handle the data we share with them. Failure to adhere to the obligations set out in the Data Confidentiality Agreement would result in us reviewing our partnership with them as this may lead to a data breach.

Some organisations who we share data with such as Public Bodies or very large organisations, may not be able to sign our Third Party Data Confidentiality Agreement, where this is the case we ensure that we have information on their Data Protection Policy and arrangements to ensure that we are satisfied that they are compliant with the GDPR.

In relation to the sharing of data with Third Parties Hare Hatch Montessori will ensure:

- Reasonable steps are taken to ensure secure measures are in place to protect individuals' personal data
- A written contract or confidentiality agreement is set out establishing what personal data will be processed, the purpose for processing and how long the data will be held for
- Third parties are informed about data subjects who wish to access, erase or rectify their personal data
- Personal data is only disclosed to third parties outside a formal contract or agreements where there is a legal obligation to do so
- The T&Cs within the contract with a third party meet the requirements of the GDPR
- Data subjects have given their explicit consent to disclose their personal data to third parties or are agreeing to the terms of a Hare Hatch Montessori contract
- The disclosure of data is necessary to protect the vital interests of the data subject

Internal Sharing of Data

The subsequent guidelines should be followed when sharing data internally

- Data should never be shared via email unless the email is encrypted or password protected

- Emails containing personal data should be deleted after being dealt with or saved within the appropriate software system and/ or hard copy file in line with the Management, Retention and Disposal guidance document
- Personal data should only be shared with those who need to have it and care should be taken when sharing personal data via email that it is sent to the correct recipient
- Data should not be shared over the phone or in person unless the individual is known to you or their identity has been confirmed
- When sending password protected documents, passwords should be sent separately, and never shared.

9. GDPR Provisions

Privacy Notices

The Hare Hatch Montessori Privacy Notices outline the following information:

- what personal data we collect
- how we process the data
- the lawful basis in which we process
- the purpose for processing
- who we share data with and why
- how long we hold it for
- where it is stored and
- the rights of the data subject

The privacy notices are available on the upon request.

Privacy by Design and Default

Hare Hatch Montessori as the data controller shall implement appropriate technical and organisational measures to ensure that by default, only personal data necessary is used for each specific purpose of processing. Hare Hatch Montessori will also (where deemed necessary) follow data protection principles such as data minimisation to protect the rights of the data subject by implementing appropriate technical and organisational measures, such pseudonymisation.

10. Data Subject Rights

Subject Access Requests (SAR)

The personal data collected and held by Hare Hatch Montessori remains the property of the Data Subject and therefore they retain the right to know what

information we hold on them, where it is held and for what purpose. Under the GDPR we are aware of our legal obligations to provide a copy of the data, free of charge and without undue delay and at the latest within one month of a request on receiving a Subject Access Request (SAR).

Hare Hatch Montessori reserve the right to refuse or charged for information if the SAR is manifestly unfounded or excessive. We will inform the Data Subject of this within one month of the request and provide information as to why it has been refused or why a charge has been requested.

Right to be Forgotten

A Data Subject has the right to ask Hare Hatch Montessori to erase his/ her personal data and cease further dissemination of the data. The right to be forgotten will not be available where we are under contract with the Data Subject or we hold the data to meet legal requirements. If personal data has been disclosed to third parties where possible, we are required to inform them about the erasure of personal data.

Right to Rectification

A Data Subject has the right to request that we rectify inaccurate or incomplete personal data concerning him/ her. If such personal data has been disclosed to third parties where possible these third parties will be informed. We will take steps to correct inaccurate or incomplete data as soon as practicable after becoming aware of it. We would always aim to have this completed and the Data Subject be advised of the action taken within one month.

Right to Object

A Data Subject has the right to object to the processing of their data where it is used for direct marketing, research, statistical analysis, for legitimate interests or the performance of a task in the public interest. Where a Data Subject objects to Hare Hatch Montessori having their data for these purposes, we will no longer process the personal data and inform the Data Subject when this has been actioned.

We will assume the Data Subject is removing consent for the data to be used in that way and remove this from our systems.

11. Reporting Breaches

All Hare Hatch Montessori employees who are aware that a data breach has occurred should report the breach to their manager and the Data Protection Officer. The Data Protection Officer will then ensure that the breach is recorded on the Data Breach Register. Further information on how to report a breach is available in the Data Protection Breach Guidance document.

High Risk Breaches

Hare Hatch Montessori are required under the GDPR to notify the Information Commissioners Office of a high risk data breach, where the breach is likely to result in a risk for the right and freedoms of the individual.

Hare Hatch Montessori will report the breach within 72 hours of first becoming aware of the breach. Hare Hatch Montessori will also notify the individual concerned directly and advise them of what is being done to manage the risk.

12. Monitoring

Information Asset Register

The Information Asset register is a centralised log for all information that is held and processed by Hare Hatch Montessori. The register outlines what information is held, what lawful process the data fits into, where the data is held, how long the data is held for, who has access, and whether the data is shared with any third parties.

Each Head of department is responsible for the data they hold in their department or in software systems managed by them and ensuring all the information in the asset register is correct.

Third Party Processor Register

The Third-Party Processor Register is a centralised log which holds the names and contact details of all the third-party organisations Hare Hatch Montessori has shared data with.

Management, Disposal and Retention Guidance

The Disposal and Retention Schedule is included in this guidance document and sets out the timeframes for how long documents will be stored within the company for and give information on when and how they should be disposed of.

Data Breach Register

The Data Breach Register is a centralised log for all data breaches to be recorded. All staff members are required to record their breach in this register along with the action taken and whether the ICO have been notified.

Subject Access Request Register

The Subject Access Request Register is a centralised log for all subject access requests to be recorded. This should include the name of the requester, the date of request and the date of completion.

13. Complaints

Hare Hatch Montessori is fully committed to protecting the privacy of individuals and complying with the General Data Protection Regulation (GDPR). We will do our best

to investigate any complaints from Data Subjects and have put together a Complaints Protocol to show how we will do this.

If you are unhappy with our handling of a SAR or have concerns with how we handle data, please let us know and we will try and resolve the issue. If you are still unsatisfied, you have the right to contact the Information Commissioners Office and raise a concern with them.

14. Training and Awareness

Hare Hatch Montessori recognises that most staff in the course of their work will come into contact with personal data and endeavours to provide information, training and support to all employees to assist them in collecting, storing, processing and disposing of personal data.

Data Protection Training

- All staff members are required to undertake data protection training
- All new employees will undertake data protection training as part of the induction to ensure they are familiar with our Data Protection Policy and accompanying guidance documents.

All staff members are encouraged to read this policy along with the assisting protocols and guidance documents to ensure compliance.

Data Protection Support

Data protection support is provided by the Data Protection Officer (DPO).

They will provide guidance and information to anyone who needs advice or support in complying with the GDPR or our data protection policy and procedures.

Employees should familiarise themselves with this policy and other relevant data protection protocols and guidance. Employees who fail to comply and as a result cause a significant data breach may face disciplinary action. Each incident will be assessed on a case-by-case basis.