

## Data Protection Policy

### **Statement of intent**

The Lime Trees is fully committed to comply with the requirements of the Data Protection Act 2018 ("the Act"). The Lime Trees 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. We will comply with latest GDPR data protection laws.

### **Aims**

To operate efficiently, The Lime Trees 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, customers and suppliers. In addition, it may be required by law to collect and use information 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.

The Lime Trees regards the lawful and correct treatment of personal information as particularly important to its successful operations. To maintain confidence The Lime Trees, and those with whom it carries out business, will ensure that it treats personal information lawfully and correctly.

### **Methods**

The Act stipulates that anyone processing personal data must comply with the principles of data protection.

1. Personal data shall be processed fairly and lawfully and in a transparent manner. Data shall not be processed unless specific conditions are met.
2. Personal data shall be obtained only for specified, explicit and legitimate purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
6. Personal data shall be processed 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, using appropriate technical or organisational measures.

7. The controller shall be responsible for, and be able to demonstrate compliance with data protection principles.

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.

### **Handling of personal/sensitive information**

The Lime Trees will, through appropriate management and the use of strict criteria and controls:

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- 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
- All data is stored in a locked cabinet

These include:

- The right to be informed that processing is being undertaken
- The right of access to one's personal information within the statutory 30 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 The Lime Trees will take steps to ensure that personal data is always kept secure 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 using secure passwords, which where possible have forced changes periodically
- Individual passwords should be such that they are not easily compromised.
- All data is stored in a locked cabinet.

Personal and private information should only be divulged on a need to know basis, whether this is internally between staff, session workers and volunteers or to external agencies. Where statistics are maintained for monitoring and/or marketing, e.g. funding monitoring, etc., this must be done in such a way as to maintain the confidentiality of the individual(s) wherever possible. Whilst The Lime Trees will do all it can to ensure confidentiality is not breached, it is limited in the action it can take in response to breaches of confidentiality away from company premises and/or by people no longer having contact with the company

### **Movement of data**

Prior to moving any data from location to location via any method (physically or via electronic transfer), ensure that it is:

- Absolutely necessary
- Only the information that is needed - do not move data that does not need to be moved
- Safe to do so
- Done so using lockable storage units whenever possible
- Done so using encrypted online file sharing services, such as Dropbox

Having data intercepted or lost is a matter of great concern for The Lime Trees and it should be noted that it is treated very seriously. Disciplinary action may result from non-compliance with regulations relating to this.

### **Data protection officer**

Helen Roebuck is the nominated officer on the Data Protection Register. Key responsibilities include:

- Develop and implement the organisation's Data Protection Policy.
- Create 'best practice' guidance for data processors, preferably in written form for future reference.
- Train and advise staff on the provisions of the Data Protection Act.

- Identify and monitor the data processors whilst at work, ensuring that they deal with data in a manner consistent with the data protection principles.
- Process and respond to all requests for information by data subjects.
- Ensure data remains up-to-date and is destroyed when necessary.
- Audit of all personal data, this is not just customers or parents or children but also staff.
- Understand where the data is coming from and most importantly who it is shared with.
- Set clear processes of how we handle to data for staff to work to
- Review of Terms and Conditions, Privacy and Consent notices, Website, Cookie notices.
- Ensure third parties who hold our data are fully compliant to GDPR regulations
- Responsible for investigating and reporting personal data breaches
- Ensures the correct procedures are in place to detect, report and investigate a personal data breach.
- Ensures the organisation is registered with the ICO.

### **Notification to the Information Commissioner's Office**

The Information Commissioner maintains a public register of data controllers and The Lime Trees is entered on this register. The Data Protection Act 2018 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 The Lime Trees is: Helen Roebuck, Business Manager, and is the person responsible for notifying and updating the Information Commissioner's Office.

The register entry for The Lime Trees 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

## **Breaches of the code (including breaches in security)**

Any breach of this policy by The Lime Trees staff will be initially investigated by Helen Roebuck, the registered controller, for her to take appropriate disciplinary action.

Any serious breach of the Code of Practice will be investigated immediately, and recommendations made on how to prevent any repetition of the breach. This will be reported to the ICO within 72 hours.

## **Complaints**

Any complaints about the recording and storage of data should be made in writing, and addressed to

Gareth Degenhart - Operations Director  
The Lime Trees  
Bingley House  
Meadow Lane  
Burton Joyce  
Nottingham  
NG14 5EX

All complaints will be investigated in accordance with this policy.

## **Staff records**

When a staff member terminates their employment with The Lime Trees their personal staff folder is taken to Head Office and handed to Helen Roebuck. The member of staff's personal details is stored securely at the Head Office for 2 years. After the 2 years all personal information of the previous employer is shredded.

## **Children's records**

When a child leaves The Lime Trees all their personal details are transferred to Head Office where they are securely stored for 2 years. After the 2 years all the personal information is shredded. If the child has safeguarding concerns please refer to storage, retention and destruction of child protection records below.

This includes:

- Registration forms
- Consent forms
- Privacy notices

### **Storage, retention and destruction of child protection records**

All information about child protection concerns are kept separate from the child's general record in individual files in a secure and locked cabinet. The child protection records are passed into the child's new setting or school and are kept until they are 25. When the retention period finishes the confidential records will then be shredded and all electronic versions are purged.

### **Storage, retention and destruction of concerns about adult's behaviour**

All information about concerns of adult's behaviour are kept in the person's confidential file. The concerns are kept in the person's individual file for 10 years or until the person reached 65 whichever is longer. The records are kept for the same amount of time regardless of whether the allegations were unfounded. Any concerns that are found to be malicious are destroyed immediately.