



GDPR - Data Protection Policy

1. Introduction

Yellow Birds Play Academy Limited needs to collect and maintain information about their staff and families who use their services. This personal information must be collected and dealt with appropriately, whether it is collected on paper or stored in a computer database. There are safeguards in place to ensure this under the Data Protection Act 1998.

2. Data Controller

Yellow Birds Play Academy Limited, is the Data Controller under the Act, which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

3. Data Processor

Data processors are individuals within the organisation (Yellow Birds) that implements appropriate technical and organisational measures to ensure processing meets the requirements of the GDPR to process personal data in accordance with the controller's instructions under the Data Protection Act 1998.

4. Disclosure

All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication. Data provided by the DBS is never duplicated.

Yellow Birds Play Academy Limited may share data with other agencies such as the local authority, Social Care, Disclosure and Barring Service, Ofsted and our Accountant.

Parents/Carers will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Yellow Birds to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty as legislated by Ofsted.
- b) Protecting vital interests of a child, parents/carers, staff or other person
- c) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- d) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- e) Providing a confidential service where consent cannot be obtained or where it is reasonable to proceed without consent:
- f) To this end, Yellow Birds will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.
- g) Yellow Birds regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those whom Yellow Birds deals with, therefore information:

- Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- Shall be adequate, relevant and not excessive in relation to those purpose(s)
- Shall be accurate and, where necessary, kept up to date,
- Shall not be kept for longer than is necessary
- Shall be processed in accordance with the rights of data subjects under the Act,

- Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
- 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 children, parents/carers, staff or other person in relation to the processing of personal information.

Yellow Birds will ensure that the rights of people about whom 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
- The right to prevent processing in certain circumstances and
- The right to correct, rectify, block or erase information which is regarded as incorrect

5. Data collection

Yellow Birds will ensure that parents/carers and staff clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data and then gives their consent.

When collecting data, Yellow Birds will ensure that the data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed

Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress

Has received sufficient information on why their data is needed and how it will be used

6. Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers recruited through our Safer Recruiting Policy.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is Yellow Birds' responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

7. Data access and accuracy

Parents/Carers and Staff have the right to access the information Yellow Birds holds about them. Yellow Birds will also take reasonable steps to ensure that parents/carers and staff understands that they are entitled to:

- a. Know what information the school holds and processes about them or their child, and why.
- b. Understand how to gain access to it.
- c. Understand how to keep it up-to-date.
- d. Understand what Yellow Birds is doing to comply with its obligations under the Data Protection Act.

All staff will be made aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.