



## Strawberry Hill Preschool and Wrap Around Care

### PERSONAL INFORMATION AND GDPR

Wrap Around Care =  
St James Breakfast and After School Club  
St Richard Reynolds Breakfast and After School Club  
Twickenham Prep Wrap Club

## PERSONAL INFORMATION

### General

Strawberry Hill Preschool and Wrap Around Care will often have access to personal and confidential information about employees. It is important that the employee's right to privacy and confidentiality is respected, and that Strawberry Hill Preschool and Wrap Around Care complies with the legal requirements governing personal data contained in the Data Protection Act 1998 (DPA)

1. This policy covers, but is not limited to, personal and sensitive data. Personal data is defined as any information from which a living individual can be identified. Examples of personal data covered by the DPA are:
  - Marital status
  - Details of employee's salary and bank details
  - Address and details of next of kin
  - Completed application forms
  - Appraisals
2. Personal data also includes details such as the opinions or intentions of Strawberry Hill Preschool and Wrap Around Care or another individual or organisation in respect of employees. Sensitive data is defined as personal data, the disclosure of which may pose a greater threat to individuals (see paragraph 10 below for examples).
3. Strawberry Hill Preschool and Wrap Around Care will ensure that all personal data (including sensitive data), held both on computer and manual files, is processed 'fairly and lawfully'.
4. Strawberry Hill Preschool and Wrap Around Care requires the consent of the employee before processing personal data and will collect, maintain, and process such data as is necessary for the proper administration of the employment relationship, both during and after the employee's employment. In absence of consent Strawberry Hill Preschool and Wrap Around Care will ensure that the disclosure of the information is necessary for Strawberry Hill Preschool and Wrap Around Care to carry on its business and RSL. We may also make disclosure in other circumstances without consent, for example to

the police or to the Local Authority for Council Tax purposes (see “Specific requests for information” overleaf).

5. Strawberry Hill Preschool and Wrap Around Care will only use the data for the purpose or purposes specified in the employees’ contact of employment.
6. Strawberry Hill Preschool and Wrap Around Care will retain personal data only for as long as is necessary.
7. Strawberry Hill Preschool and Wrap Around Care will ensure that personal data is accurate and where necessary up to date.
8. Strawberry Hill Preschool and Wrap Around Care will ensure that personal data held for any purpose is adequate, relevant and not excessive to that purpose.
9. Strawberry Hill Preschool and Wrap Around Care will ensure that personal and sensitive data is kept secure and safe from unauthorised disclosure, alteration, or destruction.
10. The law is stricter in the case of sensitive data. Sensitive data includes information about: -
  - Medical/mental health
  - HIV/aids
  - Religion
  - Criminal behaviour
  - Harassment
  - Sexual orientation
  - Trade-union membership
  - Disability
  - Ethnic origin information
  - Drugs/substances abuse
11. Strawberry Hill Preschool and Wrap Around Care will only collect and process sensitive data if one of the conditions set out in Schedule 3 or the DPA has been satisfied. These are: -
  - The employee has given their explicit consent.
  - The processing is necessary for the purposes of exercising or performing any right or obligation that is conferred or imposed by law on Strawberry Hill Preschool and Wrap Around Care in connection with employment.
  - The processing is carried out in the course of a trade union’s legitimate activities.
  - The information contained in the personal data has deliberately been made public by the employee.
  - The processing is necessary in connection with any legal proceedings or for the purpose of obtaining legal advice.
  - The processing is necessary for the administration of justice, for the exercise of functions conferred by statute, or for the exercise of any functions of the Crown.

- The processing is done by health professionals and is necessary for medical purposes.
  - The processing is of sensitive personal data consisting of information as to racial or ethnic origin for the purpose of monitoring equal opportunity or treatment between persons of different racial or ethnic origins.
  - The processing is done in the circumstances specified in an order by the Secretary of the State.
12. Sensitive data should be treated as confidential. Where a member of staff is unsure whether information is sensitive, advice should be sought from Strawberry Hill Preschool or the relevant Wrap Around Care settings Manager.
  13. Interviews and conversations with employees about personal and sensitive matters will be carried out in private (i.e. away from public and open office areas).
  14. Unless the employee has already consented under the contract of employment the permission of the employee will be sought before passing on personal information both within Strawberry Hill Preschool and Wrap Around Care and to outside bodies (see 'Specific requests for information' overleaf).
  15. Internal information relating to sensitive issues will be marked as private and confidential and will only be passed to other sections of the organisation where: -
    - (a) Strawberry Hill Preschool and Wrap Around Care is pursuing disciplinary action against an employee.
    - (b) Strawberry Hill Preschool and Wrap Around Care is pursuing legal action against an employee.

## **2. Specific requests for information**

1. Requests from outside organisations for information on employees must be in writing unless there are good reasons for the matter to be dealt with orally e.g. an urgent request from the police where somebody's health or safety is at risk. Such situations will be rare.
2. If Strawberry Hill Preschool and Wrap Around Care is approached by an outside agency with a request for disclosure Strawberry Hill Preschool and Wrap Around Care will take every step to ensure that the employee's rights are safeguarded. If there is a legal obligation to disclose information, then the setting will respond positively. The most common sources of requests for disclosure that Strawberry Hill Preschool and Wrap Around Care are legally required to comply with come from:
  - The Inland Revenue
  - The Child Support Agency
  - The Benefits agency
  - The Department of Work and Pensions
  - The Financial Services Authority

3. The Police – Strawberry Hill Preschool and Wrap Around Care wishes to co-operate with the police in the prevention and detection of crime and the Data Protection Act permits disclosure of information to the police of the prevention of crime without the employees consent.
4. Benefits Agency & Housing Benefit Departments – Strawberry Hill Preschool and Wrap Around Care will normally give the relevant information to assist in the processing of an employee's claim. Strawberry Hill Preschool and Wrap Around Care is legally obliged to notify the local authority if we suspect that an employee is receiving benefits to which they are not entitled. Again, the employee's consent is not required.
5. Representatives – No information is given to employees' representatives or advocates without the employee's written consent.

### **3. Employees' rights of access to personal information held by Strawberry Hill Preschool and Wrap Around Care**

#### **(a) Relevant legislation and guidance**

Data Protection Act 1998 – gives individuals statutory access to personal and sensitive data about themselves held on computer and in manual files.

Civil Procedure Rules – employees who pursue claims against Strawberry Hill Preschool and Wrap Around Care and Wrap Around Care can request disclosure of relevant documents on personnel files before issuing a claim but disclosure should not be given unless preceded by a 'letter of claim' setting out their claim in sufficient details.

#### **(b) Strawberry Hill Preschool and Wrap Around Care Policy**

1. General
2. Employees have a right to view personal information about themselves. They are entitled to know: -
  - Details of the source of the data
  - To whom the data has been disclosed or may be disclosed
  - The purpose for which the information is being held.

It is the policy of Strawberry Hill Preschool and Wrap Around Care and Wrap Around Care not to give out any personnel information (such as title, dates of employment or salary) to banks, credit agencies or anyone requiring information, without written authorisation from the employee concerned. Employees whom require information released from Strawberry Hill Preschool and Wrap Around Care notify Strawberry Hill Preschool and Wrap Around Care Setting Manager.

#### **3. Personnel files**

- (a) Personnel files not stored on computer are the property of Strawberry Hill Preschool and Wrap Around Care and access to the information they contain is restricted. Generally, only the employee's manager and other senior staff have a legitimate reason to review information in the file. When appropriate, the Administration Manager has access to employee's

files. With reasonable advance notice, employees may review material in their file but only under the supervision of the Manager

- (b) An employee is entitled to a copy of their personnel file. A charge of £10.00 is payable in advance
- (c) Access to Personal Information (Data Protection Act 1998)

In addition to their rights under Strawberry Hill Preschool and Wrap Around Care own policy on disclosure, employees have a right to ask Strawberry Hill Preschool and Wrap Around Care about them under the DPA. In practice, Strawberry Hill Preschool and Wrap Around Care policy covers all the information which an employee is entitled to see under the DPA. However, the employee's rights under the DPA are set out here for completeness:

Upon a written request on the appropriate standard access form, which can be obtained from the Administration Manager and payment of a fee (not more than £10) a data subject is entitled to: -

- Be told whether personal data, of which he or she is the subject, are being processed by the data controller (i.e., Strawberry Hill Preschool and Wrap Around Care).
  - Be given a description of:
  - The personal data
  - The purpose of which the data is being processed
  - The persons or classes of persons, to whom the data may be disclosed
- Have communicated to them in an intelligible form:
  - The information constituting the personal data held about them
  - Any information available to the data controller as to the source of the information.

### 3. Where access may be refused

Strawberry Hill Preschool and Wrap Around Care reserved the right to refuse the employee access to information if:

- (a) It would identify another individual or organisation who has not consented to the disclosure.
- (b) The information is held for management forecasting or management planning e.g., information about plans to promote, transfer or make a worker redundant.
- (c) Information consisting of records of the intentions of Strawberry Hill Preschool and Wrap Around Care and Wrap Around Care in relation to negotiations with an employee may be withheld to the extent which access would be likely to prejudice those negotiations;
- (d) Information that consists of a reference given or to be given in confidence by the employer for
  - The education, training or employment of the worker
  - The appointment of the worker to any office

- The provision by the worker of any service
- (e) It is legally privileged correspondence such as between Strawberry Hill Preschool and Wrap Around Care solicitors.
- (f) Strawberry Hill Preschool and Wrap Around Care has previously complied with a request to provide data, which is followed by a subsequent identical or similar request by that individual.
- (g) Information held for.
- The prevention or detection of crime.
  - The apprehension or prosecution of offenders
  - The assessment or collection of any tax or duty or of any other imposition of a similar nature

Where access would likely to prejudice any of the about matters.

**Note: It is crucial before disclosing an employee's personnel file that any information in the above categories (a) to (g) is removed before the employee sees the file or obtains a copy.**

4. If an employee believes information held by Strawberry Hill Preschool and Wrap Around Care to be incorrect;

Employees may challenge the information held in their files if they feel it to be incorrect. They must do so in writing specifying the information they believe to be inaccurate.

- (a) If Strawberry Hill Preschool and Wrap Around Care accepts that the information is incorrect it will correct or erase the information and send a revised copy to the employee within 20 working days.
- (b) If Strawberry Hill Preschool and Wrap Around Care does not accept that the information is incorrect it will attach a note recording the employee's view and the decision not to alter. The employee will be sent a copy of this note and a statement of the reasons why Strawberry Hill Preschool and Wrap Around Care believes the original information to be correct within 20 working days.

#### **4. Keeping information up to date**

1. Under the DPA, Strawberry Hill Preschool and Wrap Around Care is obliged to ensure that any personal information it holds on its employees (or any other person) is accurate and kept up to date (Principle 4 of the Data Protection Principles). To ensure compliance with the DPA Strawberry Hill Preschool and Wrap Around Care regularly ask employees to let their relevant Manager know there have been changes in their personal circumstances so that files can be updated.
2. Strawberry Hill Preschool and Wrap Around Care will ensure that personal information is not kept for longer than is necessary but equally it will not delete

information where there is a real business need to retain it. All written warnings will be removed from the employee's personnel file once they have expired.

## **5. Security**

Information about employees will only be given to workers who need it to do their job. All employee files will be kept in secure cabinets and employee computer files will be given security password to ensure that staff can only gain access to employment records where they have a legitimate business need to do so.

## **6. Mergers and Acquisitions**

Any information handed over to another organisation in connection with a prospective acquisition or merger will be anonymised. Personal information will only be handed over prior to the final merger or acquisition decision after securing assurances that it will be used solely for the evaluation of assets and liabilities. Sensitive personal data will only be disclosed if one of the conditions set out in Schedule 3 of the DPA has been satisfied (the grounds are set out in paragraph 1.11 above).

Employees will be advised wherever practicable if their employment records are to be disclosed to another organisation before an acquisition or merger takes place.

GDPR Advisory Rowena Brimacombe

Policy Reviewed March 2022