The Law is changing make sure you are ready

From May 28th 2018 the Data Protection Act (DPA) will be replaced by General Data Protection Regulations (GDPR). This is an EU law that will remain in place after Brexit.

The nature of an Early Years setting and your requirement to comply with regulations and laws under the Early Years Safeguarding and Welfare Requirements means that you are required to hold personal data on children, families and employees and at times have a need to share some information with other organisations or individuals.

Overall if you already have measures in place to meet the Data Protection Act (DPA) then not much will change. However there are some fundamental differences and you should make a review of your policies, procedures and documentation now so that you are ready in time.

The information in this handout is intended to support you in identifying areas you may have to address but is not intended to be a replacement or fully cover all aspects for all business types. More information can be found at https://ico.org.uk/for-organisations/data-protection-reform/ where you can find the “12 steps to take now” to give further guidance.

Other sites that you may find useful are:

https://www.cipd.co.uk/knowledge/fundamentals/people/hr/keeping-records-factsheet#7766


or you should seek legal advice if you are uncertain.
As a childcare business you need to ask yourselves these questions.

- Do you know what information you hold?
- Why do you need this information?
- What are an individual’s rights?
- What will you do if an individual requests access to information held about them?
- How do you record an individual’s consent?
- What about information held about a child?

GDPR

Identify what personal data you hold. Ensure you record who provided the information and when. GDPR requires any inaccuracies to be passed on to organisations you have shared with so they can amend their records— if you haven’t recorded this you cannot comply.

To ensure you have a lawful reason for holding the data, GDPR requires you to explain the lawful reason for holding this data and this should be clear when requesting information for example emergency contact details for children are required to meet the safeguarding and welfare requirements. You should also disclose the length of time you will hold records.

GDPR refers to age verification and obtaining parent/guardian consent. This is not applicable to EY’s as children in our care are below GDPR age of consent 16yrs. This is not applicable to EY’s as all children in our care are below GDPR age of consent 16yrs.

Time to comply has reduced from 40 days to 1 month. You will no longer be able to charge. You can refuse the request or charge in situations where the request is excessive or unfounded. If you refuse you must explain why.

Ensure that when you request consent that it is, clear, given freely and specifically, not inferred by pre-ticked boxes, silence or a nil response. At each point you need to collect consent to hold or share info, you need to explain why and who with.

The right to be informed • The right of access • The right to rectification • The right to erasure • The right to restrict processing • The right to data portability • the right to object • the right not to be subject to automated decision-making including...