

Almost a year on... are you compliant with GDPR?

The General Data Protection Regulation (GDPR) replaced the Data Protection Act (DPA) 1998 on the 25th May 2018. Whilst no major changes were anticipated that would impact on nurseries and childcare providers, there was plenty of guidance available to ensure you and your setting were ready in good time.¹



Almost a year on and the first organisations have been fined for not renewing their fees and more fines are set to follow.

More than 900 notices of intent to fine have been issued by the Information Commissioners Office (ICO) since September and more than 100 penalty notices are being issued in this first round.

Fines range from £400 to £4,000 depending on the size and turnover of the organisation. With this in mind, we remind you of the basics...

The data protection principles in the GDPR evolved from the original DPA and set out the main responsibilities for organisations.

Article 5 of the GDPR requires that personal data shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date;
- Kept in a form which permits identification of data subjects for no longer than is necessary;
- Processed using appropriate technical or organisational measures in a manner that ensures appropriate security of the personal data; and
- Article 5(2) requires that “the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

References:

¹Preparing for GDPR: what nurseries and childcare providers can start doing now *smalltalk* (spring 2018) pg 6 – 9

²Data Protection Fee: <http://bit.ly/2Tgjgty>

³Registration of Self-Assessment: <http://bit.ly/2Te5szQ>

Have you registered with the ICO?

The ICO has issued the first fines for not paying the data protection fee to organisations across a range of sectors including business services, construction, finance, health and childcare.

All organisations, companies and sole traders that process personal data must pay an annual fee to the ICO unless they are exempt. Fines for not paying can be up to a maximum of £4,350.

This follows regulations which came into force alongside the new Data Protection Act on 25th May 2018.

How much does it cost?

The data protection fee came into force on 25th May to coincide with the new Data Protection Act (2018) and the GDPR. And it replaces the need to notify or register with the ICO.

Under the funding model, set by Government, organisations are divided into three tiers based on their size, turnover and whether it is a public authority or charity.

The majority of nurseries and childcare providers will fall into the lower tier and providing you take advantage of the £5 reduction for paying by Direct Debit, the fee won't be any higher than the £35 you paid before May 2018.

If you're not sure whether you need to pay the fee, you should check the ICO's website which has lots of information² and a very quick and easy self-assessment test³.

For more information and handy tips please visit:

earlyyears.wales/gdpr

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