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Privacy Policy

This policy is intended to provide information about how the nursery will use (or "process") personal data about individuals including: its staff; its current, past and prospective child; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff and parents are all encouraged to read this Privacy Notice and understand the nurseries obligations to its entire community.

This Privacy Notice applies alongside any other information the nursery may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the nursery's other relevant terms and conditions and policies, including:

- any contract between the nursery and its staff or the parents of the children;
- the nursery's policy on taking, storing and using images of children;
- the nursery's retention of records policy;
- the nursery's safeguarding or health and safety policies, including as to how concerns or incidents are recorded

Anyone who works for, or acts on behalf of, the nursery (including staff, volunteers, and service providers) should also be aware of and comply with this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

Responsibility for Data Protection

Our HR Officer will deal with all your requests and enquiries concerning the nursery's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

Why we need to process personal data

In order to carry out its ordinary duties to staff, children and parents, the nursery may process a wide range of personal data about individuals (including current, past and prospective staff, children or parents) as part of its daily operation.

Some of this activity the nursery will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the nursery's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The nursery expects that the following uses may fall within that category of its (or its community's) "legitimate interests":

- For the purposes of child authentication (and to confirm the identity of prospective children and their parents);
- To provide education services, including musical education, physical training or spiritual development, and extra-curricular activities to children, and monitoring the child's progress and educational needs;
- Maintaining relationships with the community, including direct marketing or fundraising activity;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- To enable relevant authorities to monitor the nursery's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective children, including relating to outstanding fees or payment history, to/from any educational institution that the child attended or where it is proposed they attend;
- To enable children to take part in national or other assessments, and to publish the results of public examinations or other achievements of children of the nursery;
- To safeguard children's welfare and provide appropriate care;
- To monitor (as appropriate) use of the nursery's IT and communications systems in accordance with our acceptable use policy;
- To make use of photographic images of children in nursery publications, on the website and (where appropriate) on our social media channels in accordance with the policy on taking, storing and using images of children;
- Where otherwise reasonably necessary for the nursery's purposes, including to obtain appropriate professional advice and insurance for the nursery.

In addition, the school may need to process special category personal data (concerning health, ethnicity, religion, or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may include:

- To safeguard the child's welfare and provide appropriate and where necessary, medical care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of trips;
- To provide educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare or pension plans;
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

Types of personal data processed by the nursery

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details;
- bank details and other financial information, e.g. about parents who pay fees to the nursery;

- past, present and prospective child's academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- references given or received by the nursery about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with children; and
- images of children (and occasionally other individuals) engaging in nursery activities, (in accordance with the child protection policy);

How we collect data

Generally, we receive personal data from the individual directly (including, in the case of children, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However in some cases personal data may be supplied by third parties (for example another setting, or other professionals or authorities working with that individual);

Who has access to personal data and who the nursery shares it with

Occasionally, we will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority). For the most part, personal data collected by the nursery will remain within the nursery, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed only by appropriate staff; and
- pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

How long we keep personal data

The school will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and child personnel files is up to 25 years following departure from the nursery. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the HR Officer. However, please bear in mind that we may have lawful and necessary reasons to hold on to some data.

Keeping in touch and supporting the nursery

The nursery will use the contact details of parents, and other members of the community to keep them updated about the activities of the nursery and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school may also:

- Share personal data about parents as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as any parent/staff association, old members etc;
- Contact parents (including via the organisations above) by post and email in order to promote and raise funds for the nursery and, where appropriate, other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the HR Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the nursery may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

Your rights

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the nursery, and in some cases ask for it to be erased or amended or for the nursery to stop processing it, but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the HR Officer.

The school will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information.

The nursery will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, we may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The nursery is also not required to disclose any any confidential reference given by the nursery for the purposes of the education, training or employment of any individual.

Consent

Where the nursery is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations). Please be aware however that we may have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

Whose rights

The rights under Data Protection Law belong to the individual to whom the data relates. However, we will often rely on parental consent to process personal data relating to children (if consent is required) unless, given the nature of the processing in question, and the child's age and understanding, it is more appropriate to rely on the child's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the nursery will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the child's activities, progress and behaviour, and in the interests of the child's welfare, unless, in the nursery's opinion, there is a good reason to do otherwise.



Staff are under professional duties to respect the personal data and privacy of others, and to comply with the school's e.g. IT: acceptable use policy and the nursery rules covered under the relevant staff policy.

Data accuracy and Security

The nursery will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the HR Officer of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the nursery may need to process your data, of who you may contact if you disagree. We will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to systems. All staff will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

Queries and complaints

Any comments or queries on this policy should be directed to the HR Officer via the office or by email to hr@minivipsnurserydaycare.co.uk

If an individual believes that the nursery has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise our complaints procedure and should also notify the HR Officer or Nursery Manager. The nursery can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.