Privacy Notice - Parent/Carer and Child

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Review of policy	**As and when required, this policy will be reviewed and updated**

How we use Parent/Carer and Child Data

Under data protection law, individuals have a right to be informed about how the Pavilion Day Nursery (the Nursery) uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use **parent/carer and child** personal data.

The Nursery is the 'Data controller' for the purposes of data protection law.

In this privacy notice all references to 'you/your' include both the child and the child's parent/carer, both individually and collectively, unless otherwise specified.

1. The Personal Data we Process

Personal data that we may collect, use, store, and share (when appropriate) about children and parents/carers includes, but is not limited to:

- Personal information (such as name, date of birth, parent's/carer's national insurance number);
- Contact details and preferences (such as telephone number, email address, postal address for you and your emergency contacts);
- Assessment information (such as data scores, tracking, and internal/external testing);
- Protected characteristics, (such as ethnic background, religion or belief);
- Special educational needs information (such as EHCPs, statements, applications for support, care or support plans);
- Relevant medical information (such as NHS information, health checks, physical and mental health care, immunisation status, allergies and medical conditions including physical and mental health);

- Attendance information (such as sessions attended, number of absences and absence reasons);
- Safeguarding information;
- Details of any support received, including care packages, plans and support providers;
- Photographs and videos (such as for internal safeguarding and security purposes, newsletters, media and promotional purposes);
- Closed-Circuit Television (CCTV) images captured in the Nursery;
- Data about your use of the Nursery's information and communications systems;
- Payment and banking details, where required.

We may also hold data about children that we have received from other organisations, including other nurseries, local authorities and the Department for Education (DfE).

A full breakdown of the information we collect on students and parents/carers can be requested by contacting the Nursery at nursery@paviliondaynursery.co.uk.

2. Why we Process this Data

The purpose of collecting and processing this data includes but is not limited to:

- Contacting you in relation to your child or to inform you about events and updates;
- Supporting children learning;
- Monitoring and reporting on children progress;
- Providing appropriate pastoral care;
- Protecting children welfare and safeguarding;
- Assessing the quality of our services;
- Administering admissions waiting lists;
- Carrying out research;
- Complying with the law regarding data sharing;
- Adhering to the statutory duties placed upon us by the DfE.

3. Our Lawful Basis for Processing this Data

This section contains information about the legal basis that we are relying on when handling your information. These are defined under data protection legislation and for personally identifiable information are:

- You have given consent for one or more specific purposes;
- Processing is necessary to comply with the Nursery's legal obligations;
- Processing is necessary to protect your vital interests;
- Processing is necessary for tasks in the public interest or exercise of authority vested in the controller;
- Processing is necessary for the Nursery's legitimate interests or the legitimate interests of a third party.

When we process special category information, which is deemed to be more sensitive, the following lawful basis are used:

- You have given explicit consent;
- It is necessary to fulfil the Nursery's obligations or your obligations;
- It is necessary to protect your vital interests;
- Processing is carried out by a foundation or non-profit organisation (includes religious, political or philosophical organisations and trade unions);
- Reasons of public interest in the area of public health.

An example of how we use the information you provide is through submission of the early years' census, which is a statutory requirement on all nurseries who claim early education funding. Putting census on a statutory basis:

- means that nurseries do not need to obtain consent to the provision of information;
- ensures nurseries are protected from any legal challenge that they are breaching a duty of confidence to students;
- helps to ensure that returns are completed by each nursery.

Where we have obtained consent to use a child's personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

4. Collecting this Data

While the majority of information we collect about children and parents/carers is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

5. How we Store this Data

We keep your information for as long as we need to in order to look after our children. The majority of this will be stored in the child's file.

Where we are legally required or have a lawful basis to do so, we will keep some information after your child has left the Nursery. This will be retained in line with our Data Retention Schedule.

To protect your data, we have data protection policies and procedures in place, including strong organisational and technical measures, which are regularly reviewed. Further information can be found in our Data Protection Policy which is available on the Nursery website.

6. Who we Share this Data with

In order for us to legally, effectively and efficiently function we are required to share data with appropriate third parties, including but not limited to:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns;
- The Department for Education - to meet our legal obligations to share certain information;
- The child's family and representatives, such as in the event of an emergency;
- Ofsted - during the course of an inspection;
- Suppliers and service providers – to enable them to provide the service we have contracted them for;
- Central and local government;
- Our auditors, to ensure compliance with our legal obligations;
- Health authorities (NHS) - to ensure the wellbeing of children;
- Security organisations to create a secure workplace for all staff;
- Health and social welfare organisations;
- Professional advisers and consultants, for us to develop our services and best provide our service;
- Charities and voluntary organisations;
- Police forces, courts, tribunals, security services - to create a secure workplace for all at the Nursery;
- Professional bodies;
- Schools that the children attend after leaving us.

7. Transferring Data Internationally

We may send your information to other countries when:

- we, or a company we work with, store information on computer servers based overseas; or
- we communicate with you when you are overseas.

We conduct due diligence on the companies we share data with and note whether they process data in the UK, EEA (which means the European Union, Liechtenstein, Norway and Iceland) or outside of the EEA.

The UK and countries in the EEA are obliged to adhere to the requirements of the GDPR and have equivalent legislation which confer the same level of protection to your personal data.

For organisations who process data outside the UK and EEA, we will assess the circumstances of how this occurs and ensure there is no undue risk.

Additionally, we will assess if there are adequate legal provisions in place to transfer data outside of the UK.

8. Why we Share this Data

We share children's data with the Local Authority and the DfE on a statutory basis. This data sharing underpins the Nursery's funding and educational attainment policy and monitoring.

We are required to share information about children with the (DfE) under section 99 of the Childcare Act 2006 and the Childcare (Provision of Information About Young Children) (England) Regulations 2009.

9. Data Collection Requirements

To find out more about the data collection requirements placed on us by the DfE (for example, the early years census) go to: https://www.gov.uk/guidance/complete-the-early-years-census.

10. The National Pupil Database (NPD)

The NPD is owned and managed by the DfE. It provides evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including nurseries, schools, local authorities, and awarding bodies.

We are required by law to provide information about children to the DfE as part of statutory data collections, such as the early years census. Some of this information is then stored in the NPD. The law that allows this is the Childcare (Provision of Information About Young Children) (England) Regulations 2009.

To find out more about the NPD, go to: https://www.find-npd-data.education.gov.uk/.

The DfE may share information about our children from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis;
- producing statistics;
- providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;
- the purpose for which it is required;
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data.

To be granted access to this information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the DfE's data sharing process, please visit:

https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data.

For information about which organisations the DfE has provided information to (and for which project), please visit:

https://www.gov.uk/government/publications/dfe-external-data-shares.

To contact the DfE, please visit: https://www.gov.uk/contact-dfe.

11. Data Protection Rights

Individuals have a right to make a 'subject access request' to gain access to personal information that the Nursery holds about them.

Parents/carers can make a request with respect to their child's data as children under the age of 12 are usually not considered mature enough to understand their rights over their own data.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it;
- Tell you why we are holding and processing it, and how long we will keep it for;
- Explain where we got it from, if not from you;
- Tell you who it has been, or will be, shared with;
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this;
- NOT provide information where it compromises the privacy of others;
- Give you a copy of the information in an intelligible form.

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

In most cases, we will respond to subject access requests within 1 month, as required under data protection legislation, however we are able to extend this period by up to 2 months for complex requests or exceptional circumstances.

Your other rights regarding your data

You may:

- Withdraw your consent to processing at any time (this only relates to data for which the Nursery relies on consent as a lawful basis for processing);
- Ask us to rectify, erase or restrict processing of your personal data, or object to the processing of it in certain circumstances and where sufficient supporting evidence is supplied;
- Prevent the use of your personal data for direct marketing;
- Challenge processing which has been justified on the basis of public interest, official authority or legitimate interests;
- Request a copy of agreements under which your personal data is transferred outside of United Kingdom;
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect you);
- Request a cease to any processing that is likely to cause damage or distress;
- Be notified of a data breach in certain circumstances;
- Refer a complaint to the ICO;

- Ask for your personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

The Nursery will comply with the data protection legislation in regard to dealing with all data requests submitted in any format, although individuals are asked to preferably submit their request in written format to assist with comprehension.

Requests should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the request

If you would like to exercise any of the rights or requests listed above, please contact the Nursery at nursery@paviliondaynursery.co.uk who will forward your request to the Nursery Manager. We will provide a form for you to complete that specifies the information we will need to act on a request.

We reserve the right to verify the requesters' identity by asking for photo ID. If this proves insufficient, then further ID may be required.

Article 22 of the UK GDPR has additional rules to protect individuals from decisions made solely for the purpose of automated decision-making and profiling. The Nursery does not carry out any automated decision-making and/or profiling.

12. Data Protection Breaches

If you suspect that your or someone else's data has been subject to unauthorised or unlawful processing, accidental loss, destruction or damage, we ask that you please contact the Nursery's Data Manager and advise us without undue delay.

13. Complaints

We take any complaint about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with the Nursery Manager in the first instance via Email: nursery@paviliondaynursery.co.uk, Telephone: 01932 780005, or Post: Pavilion Day Nursery, The Ridings, Sunbury, Middlesex, TW16 6NX.

This complaint may be assessed by an independent external advisor, with a final response provided within 30 days.

If you are unhappy with our final response, you can refer the matter to the Information Commissioner's Office:

- Report a concern online at https://ico.org.uk/concerns/
- Call on 0303 123 1113, or
- Write to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

14. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact the Nursery Manager at nursery@paviliondaynursery.co.uk.

15. Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.