Privacy Notice - Workforce, Job Applicants, Directors and Volunteers

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

How we use Workforce, Applicant, and Volunteer 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 personal data about **individuals we employ (or otherwise engage) to work at the Nursery, individuals applying for roles at the Nursery, and individuals working with the Nursery in a voluntary capacity (including Directors and volunteers)**.

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

1. The Personal Data we Process

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

- Personal information (such as name, date of birth, national insurance number, next of kin, dependents and marital status);
- Contact details (such as telephone number, email address, postal address, for you and your emergency contacts);
- Protected characteristics (such as trade union membership, nationality, language, ethnic origin, sexual orientation and religion or belief, where this has been provided);
- Relevant medical information (such as physical or mental health conditions, including for any disabilities for which the organisation needs to make any reasonable adjustments to fulfil its duty of care);

- Information about your remuneration (such as salary, annual leave, pension, bank details, payroll records, tax status and benefits information);
- Information from pre-employment background checks (such as criminal record and online search);
- Recruitment information (such as copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process);
- Qualifications and employment records (such as work history, job titles, working hours, training records and professional memberships);
- Assessments of your performance (such as appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence)
- Outcomes of any disciplinary and/or grievance procedures, including any warnings issued to you and related correspondence;
- Details of periods of absence (such as holiday, sickness, family leave, sabbatical, including the reasons for the leave);
- Photographs and video (for internal safeguarding and security purposes, nursery newsletters, media and promotional purposes);
- Closed-Circuit Television (CCTV) images;
- Data about your use of Nursery information and communications systems.

We may also hold personal data about you from third parties, such as references supplied by former employers, information provided during the completion of our pre-employment checks, and from the Disclosure and Barring Service, in order to comply with our legal obligations and statutory guidance.

A full breakdown of the information we collect on our workforce, job applicants, Directors and volunteers 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:

- Running the Nursery in an effective and efficient manner.
- Enabling you to be paid and other benefits to be provided.
- Facilitating safeguarding as part of our safeguarding obligations towards children.
- Fulfilling our legal obligations in recruiting individuals to the Nursery workforce and appointing voluntary individuals.
- Supporting effective performance management and appraisal.
- Support development
- Supporting effective management of the Nursery workforce, along with the implementation of the Nursery's policies and procedures.
- Ensure that appropriate access arrangements can be provided for volunteers and job applicants who require them
- Providing feedback to your training centre and awarding body.
- Informing our recruitment and retention policies.

- Allowing better financial modelling, administration and planning.
- Providing references where requested.
- Equalities monitoring and reporting.
- Responding to any Nursery workforce issues.
- Improving the management of workforce data across the sector.
- Assessing the quality of our services.
- Complying with the law regarding data sharing.

3. The 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:

- Processing is necessary to fulfil a contract with you.
- 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 (the provision of education).
- 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;
- Employment, social security and social protection;
- 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.

Where you have provided us with consent to use your data, you may withdraw approval at any time. We will make this clear when requesting your permission and explain how you can withdraw consent, if you wish to do so.

4. Collecting this Data

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, 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 collect, store and process data in accordance with our Data Retention Schedule. The information is contained in a virtual and/or physical file which is kept secure and only used for purposes directly relevant to your relationship with the Nursery.

When this is no longer required, we will retain and dispose of your personal information in accordance with our Data Retention Schedule.

If you are a job applicant and your application for employment is unsuccessful, the Nursery will hold your data on file for 6 months after the end of the relevant recruitment process. At the end of that period, your data will be deleted or destroyed.

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 (DfE) - to meet our legal obligations to share certain information;
- Training centres and awarding bodies, in order to provide information and feedback on your performance;
- Your families and representatives, such as in the event of an emergency;
- Financial organisations e.g. Pension Scheme, HMRC;
- Ofsted - during the course of an inspection;
- Suppliers and service providers – to enable them to provide the service we have contracted them for (such as HR, payroll and IT);
- Central and local government (such as workforce analysis);
- Our auditors, to ensure compliance with our legal obligations;
- Health authorities (NHS), Occupational Health and employee support scheme - to ensure the wellbeing of our staff body;
- 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;
- Trade Unions and Professional Associations, to enable them to provide the service their members require;
- Charities and voluntary organisations;
- Police forces, courts, tribunals, security services - to create a secure workplace for all at the Nursery;
- Professional bodies;
- Employment and recruitment agencies as well as future employers, to support reference requests.

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

In order to successfully perform our key functions, we need to share personal data with organisations. For example, we are required to share certain information and personal data about our workforce members with our Local Authority and the DfE (through submission of the early years census) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to the Nursery's funding.

9. Data Collection Requirements

The Department for Education (DfE) collects and processes personal data relating to those employed by nurseries. For example, through submission of the early years census. 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

The DfE may share information about nursery employees with third parties who promote the education or wellbeing 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 personal data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether the 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.

10. 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.

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 via 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 identity of the person making the request 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 on the workforce.

11. Data Protection Breaches

If you suspect that you 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 at nursery@paviliondaynursery.co.uk and advise us without undue delay.

12. 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.

13. 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.

14. 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.