Chapeltown Community Nursery

GDPR Privacy Notice

|  |  |
| --- | --- |
| **Date written** | 16th June 2020 |
| **Author** | Sarah Killoran |
| **Review date** | 16th June 2021 |
| **Date signed off by Management Committee** | 16th July 2020 |

|  |  |  |
| --- | --- | --- |
| **Review date** | **Reviewed by** | **Next review due…** |
| 27th August 2021 | Sarah Killoran | August 2022 |
|  |  |  |
|  |  |  |

GDPR Privacy Notice

**What is the purpose of this document?**

Chapeltown Community Nursery (“the Nursery” or “we”) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how the Nursery collects and uses personal information about employees of the Nursery (“Employees”), Management Committee members or trustees (“Trustees”), children attending the Nursery (“Child” or “Children”) and the parents of the Children (“Parents”), (known collectively as “You” or “Your”, in accordance with the General Data Protection Regulation (GDPR).

The Nursery – Chapeltown Community Nursery – is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about You. We are required under data protection legislation to notify You of the information contained in this privacy notice.

This notice applies to Employees, Trustees, Children and Parents. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide You with an updated copy of this notice as soon as reasonably practical.

It is important that Employees, Trustees, Children and Parents read and retain this notice, together with any other privacy notice on specific occasions when we are collecting or processing personal information about You, so that You are aware of how and why we are using such information and what Your rights are under the data protection legislation.

**Data Protection Principles**

We will comply with data protection law. This says that the personal information we hold about You must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to You and not used in any way that is compatible with those purposes.
3. Relevant to the purposes we have told You about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told You about.
6. Kept securely.

**The kind of information we hold about You**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are ‘special categories’ of more sensitive personal data which require a higher level of protection, such as information about a person’s health or sexual orientation.

*Employees:*

We will collect, store and use the following categories of personal information about employees:

* Personal contact details such as name, title, addresses, telephone numbers and personal email addresses
* Date of birth
* Gender
* Marital status and dependants
* Next of kin and emergency contact information
* National Insurance number
* Bank account details, payroll records and tax status information
* Salary, annual leave, pension and benefits information
* Start date and, if different, the date of an Employee’s continuous employment
* Location of employment or workplace
* Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter as part of the application process)
* Copy of driving licence (where applicable)
* Employment records (including job titles, work history, working hours, holidays, training records and professional memberships)
* Personnel files and training records including performance information, disciplinary and grievance information and working time records
* Information about your use of our information and communication systems
* Records of any reportable death, injury, disease or dangerous occurrence.

We may also collect, store and use the following ‘special categories’ of more sensitive personal information:

* Information about an Employee’s race or ethnicity
* Information about an Employee’s health, including any medical condition, accident, health and sickness records, including:
  + Details of any absences (other than holidays) from work, including time on statutory parental leave and sick leave; and
  + Where an employee leaves employment and the reason for leaving is related to their health, information about that condition needed for pensions and permanent health insurance purposes.

*Trustees:*

We will collect, store and use the following categories of personal information about Management Committee Trustees:

* Personal contact details such as name, title, addresses, telephone numbers and personal email addresses
* Date of birth
* Gender
* Start date as a Management Committee member
* Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter as part of the application process)
* Copy of driving licence (where applicable)
* Personnel files and training records
* Records of any reportable death, injury, disease or dangerous occurrence.

We may also collect, store and use the following ‘special categories’ of more sensitive personal information:

* Information about a Trustee’s race or ethnicity

*Children:*

We will collect, store and use the following categories of personal information about Children:

* Name
* Date of birth
* Home address
* Dietary requirements
* Attendance information
* Photographs of the Child to signpost Children to where their belongings are stored at the Nursery, and also for general display purposes
* Emergency contacts should Parents be unavailable and the emergency contact’s contact details
* Record folder (Learning Journey) for each child containing:
  + The work of the Child whilst at the Nursery
  + Observations about the Child’s development whilst at the Nursery from Employees of the Nursery
  + Specific examples of the Child’s progress
  + Photographs demonstrating the Child’s development whilst at the Nursery
  + Personal details of the Child, e.g. their date of birth
* Records relating to individual Children e.g. care plans, speech and language referral forms
* Accidents and pre-existing injuries forms
* Records of any reportable death, injury, disease or dangerous occurrence
* Observation, planning and assessment records of Children

We may also collect, store and use the following ‘special categories’ of more sensitive personal information:

* Information about a Child’s race or ethnicity, spoken language and nationality
* Information about a Child’s health including any medical condition, health and sickness records
* Information about a Child’s accident or incident reports, including reports of pre-existing injuries
* Information about a Child’s incident forms/child protection referral forms/child protection case details/reports.

*Parents:*

We will collect, store and use the following categories of personal information about Parents:

* Name
* Home address
* Telephone numbers and personal email addresses
* National Insurance number

We may also collect, store and use the following ‘special categories’ of more sensitive personal information:

* Information about a Parent’s race or ethnicity, spoken language and nationality
* Conversations with Parents where Employees of the Nursery deem it relevant to the prevention of radicalisation, or other aspects of the governments Prevent strategy.

**How is Your personal information collected?**

*Employees:*

We collect personal information about Employees through the application and recruitment process, either directly from candidates or sometimes, from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers and other background check agencies.

We will collect additional personal information in the course of job-related activities, throughout the period of when an Employee works for us.

*Trustees:*

We collect personal information about Trustees through the application and recruitment process, either directly from candidates or sometimes, from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers and other background check agencies.

*Children and Parents:*

We collect personal information about Children and Parents from when the initial enquiry is made by the Parents, through the enrolment process and until the Children stop using the Nursery’s services.

**How we will use information about You**

We will only use Your personal information when the law allows us to. Most commonly, we will use Your personal information in the following circumstances:

* Where we need to perform the contract we have entered into with You
* Where we need to comply with a legal obligation
* Where it is necessary for our legitimate interests (or those of a third party) and Your interests and fundamental rights do not override those interests

We may also use Your personal information in the following situations, which are likely to be rare:

* Where we need to protect Your interests (or someone else’s interests).

**Situations in which we will use Employee personal information**

We need all the categories of information in the list above (see Employee section within the paragraph entitled ‘The kind of information we hold about You’), primarily to allow us to perform our contracts with Employees and to enable us to comply with legal obligations. The situations in which we will process Employee personal information are listed below:

* Making a decision about an Employee’s recruitment or appointment
* Checking an Employee is legally entitled to work in the UK. Paying an Employee and, if an Employee is an Employee or deemed Employee for tax purposes, deducting tax and National Insurance contributions
* Providing any Employee benefits to Employees
* Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties
* Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of Employee benefits
* Administering the contract we have entered into with an Employee
* Conducting performance and/or salary reviews, managing performance and determining performance requirements
* Assessing qualifications for a particular job or task, including decisions about promotions
* Gathering evidence for possible grievance or disciplinary hearings
* Making decisions about an Employee’s continued employment
* Making arrangements for the termination of our working relationship
* Education, training and development requirements
* Dealing with legal disputes involving Employees, including accidents at work
* Ascertaining an Employee’s fitness to work
* Managing sickness absence
* Complying with health and safety obligations
* To prevent fraud
* To monitor your use of our information and communications systems to ensure compliance with our IT policies
* To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
* Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds, which justify our use of an Employee’s personal information.

**Situations in which we will use Trustee personal information**

We need all the categories of information in the list above (see Trustee section within the paragraph entitled ‘The kind of information we hold about You’), primarily to allow us to comply with legal obligations. The situations in which we will process Trustee personal information are listed below:

* Making a decision about a Trustee’s appointment
* Assessing qualifications for a particular job or task
* Making arrangements for the termination of our working relationship
* Education, training and development requirements
* Dealing with legal disputes involving Trustees, including accidents at work
* Complying with health and safety obligations
* To prevent fraud
* To monitor your use of our information and communications systems to ensure compliance with our IT policies
* To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
* Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds, which justify our use of an Employee’s personal information.

**Situations in which the Nursery will use personal information of Children**

We need all the categories of information in the list above (see Children section within the paragraph entitled ‘The kind of information we hold about You’), primarily to allow us to perform our obligations (including our legal obligations to Children). The situations in which we will process personal information of Children are listed below:

* Upon consent from the Parents, personal data of Children will be shared with schools for progression into the next stage of their education
* Personal information of Children will be shared with local authorities without the consent of Parents, where there is a situation where child protection is necessary
* The personal information of Children will be shared with local authorities with the consent of Parents for funding purposes
* Ofsted will be allowed access to the Nursery’s systems to review child protection records
* To ensure we meet the needs of the Children
* To enable the appropriate funding to be received
* Report on a Child’s progress whilst with the Nursery
* To check safeguarding records
* To check attendance patterns are recorded

**Situations in which the Nursery will use personal information of Parents**

We need all the categories of information in the list above (see Parents section within the paragraph entitled ‘The kind of information we hold about You’), primarily to allow us to perform our contracts with Parents and to enable us to comply with legal obligations. The situations in which we will process personal information of Parents are listed below:

* The personal information of Parents will be shared with local authorities with the consent of parents for funding purposes
* To report on a Child’s attendance
* To be able to contact a Parent or a Child’s emergency contact about their Child
* To ensure nursery fees are paid.

**If Employees, Trustees and Parents fail to provide personal information**

If Employees, Trustees and Parents fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with Employees, Trustees and Parents, or we may be prevented from complying with our respective legal obligations to Employees, Trustees, Children and Parents.

**Change of purpose**

We will only use Your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use Your personal information for an unrelated purpose, we will notify the Employee, Child or Parent, as is appropriate in the circumstances and we will explain the legal basis which allows us to do so.

Please note that we may process an Employee’s, Trustee’s, a Child’s or a Parent’s personal information without their respective knowledge or consent, as relevant to the circumstances, in compliance with the above rules, where this is required or permitted by law.

**How we use particularly sensitive personal information**

‘Special categories’ of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

* In limited circumstances, with Employee or Parent explicit written consent
* Where we need to carry out our legal obligations or exercise rights in connection with Employee employment
* Where it is needed in the public interest, such as for equal opportunities monitoring, or in relation to our occupational pension scheme

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect an Employee, Trustee, a Child or a Parents’ interests, (or someone else’s interests) and the Employee, Trustee, Child or Parent as is appropriate, is not capable of giving consent, or where the Employee, Trustee or Parent has already made the information public.

**The Nursery’s obligations as an employer**

We will use particularly sensitive personal information of Employees in the following ways:

* We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws
* We will use information about the physical or mental health of an Employee, or their disability status, to ensure Employee health and safety in the workplace and to assess the fitness of Employees to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay and pensions
* We will use information about an Employee’s race or national or ethnic origin, religious, philosophical or moral beliefs, or an Employee’s sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

**Do we need Employee consent?**

We do not need the consent of Employees if we use special categories of personal information, to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach Employees for their written consent to allow us to process certain particularly sensitive data. If we do so, we will provide Employees with full details of the information that we would like and the reason we need it, so that Employees can carefully consider whether they wish to consent. Employees should be aware that it is not a condition of their contract with the nursery that they agree to any request for consent from us.

**Information about criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect the interests of You (or someone else’s interests), and You are not capable of giving your consent, or where an Employee, Trustee or a Parent, as is relevant to the circumstances, has already made the information public.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so, which includes but is not limited to Disclosure and Barring Service (DBS) checks. Where appropriate, we will collect information about criminal convictions as part of the recruitment process, or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

* To conduct a DBS check on each Employee or Trustee, to record the date of the DBS check, the number of the DBS check and the name of the body conducting the DBS check.

We are allowed to use your personal information in this way to carry out our obligations.

**Data sharing**

We may have to share Employee, Trustee, Child or Parent data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of Your data and to treat it in accordance with the law.

**Why might the Nursery share Employee, Trustee, Child or Parent personal information with third parties?**

We will share Your personal information with third parties where required by law, where it is necessary to administer the working relationship with You or where we have another legitimate interest in doing so.

**Which third-party service providers process my personal information?**

‘Third parties’ includes third-party service providers, local authorities, regulatory bodies, schools and other entities within our group. The following third-party service providers process personal information about you for the following purposes:

* Local Authorities – for funded and monitoring reasons (e.g. equal opportunities and uptake of funded hours)
* Regulatory bodies – for ensuring compliance and the safety and welfare of the children
* Schools – to provide a successful transition by ensuring information about the child’s progress and current level of development and interests are shared

**How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect Your personal information in line with our policies. We do not allow our third-party service providers to use Your personal data for their own purposes. We only permit them to process Your personal data for specified purposes and in accordance with our instructions.

**Data Retention – How long will you use my information for?**

We will only retain Your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Record Retention Policy. To determine the appropriate retention period for personal data we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of Your personal data, the purposes for which we process Your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise Your personal information so that it can no longer be associated with You, in which case we may use such information without further notice to You. Once you are no longer an Employee, Trustee, or a Child benefiting from the Nursery’s services or a Parent, as is appropriate, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

**Rights of Access, Correction, Erasure and Restriction**

*Your duty to inform us of changes*

It is important that the personal information we hold about You is accurate and current. Please keep us informed if Your personal information changes during your working relationship with us.

*Your rights in connection with personal information*

Under certain circumstances, by law You have the right to:

* Request access to Your personal information (commonly known as a “data subject access request”). This enables You to receive a copy of the personal information we hold about You and to check that we are lawfully processing it.
* Request correction of the personal information that we hold about You. This enables You to have any incomplete or inaccurate information we hold about You corrected.
* Request erasure of your personal information. This enables Employees, Trustees or Parents to ask us to delete or remove personal information, where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove Your personal information where You have exercised Your right to object to processing (see below).
* Object to processing of Your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about Your particular situation, which makes You want to object to processing on this ground. You also have the right to object where we are processing Your personal information for direct marketing purposes.
* Request the restriction of processing of Your personal information. This enables Employees, Trustees or Parents, as is appropriate, to ask us to suspend the processing of personal information about You, for example if You want us to establish its accuracy or the reason for processing it.
* Request the transfer of Your personal information to another party.

If you want to review, verify, correct or request erasure of Your personal information, object to the processing of Your personal data, or request that we transfer a copy of Your personal information to another party, please contact the Nursery Manager in writing.

You will not have to pay a fee to access Your personal information (or to exercise any of the other rights).

*What we may need from You*

We may need to request specific information from You to help us confirm Your identify and ensure Your right to access the information (or to exercise any of Your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has to no right to receive it.

**Right to withdraw consent**

In the limited circumstances where You may have provided Your consent to the collection, processing and transfer of Your personal information for a specific purpose, You have the right to withdraw Your consent for that specific processing at any time. To withdraw Your consent, please contact the Nursery Manager. Once we have received notification that you have withdrawn Your consent, we will no longer process Your information for the purpose or purposes You originally agreed to, unless we have another legitimate basis for doing so in law.

**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.