

Privacy Notice: Children's Information



Freshlings Nursery UCSP is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about children or parents of the setting. For the purpose of this notice, the term 'You' includes parents and children.

The setting is a 'data controller'. This means that we are responsible for deciding how we hold and use your personal information. We are required under data protection legislation to notify you of the information contained in this privacy notice.

It is important that you read this notice so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

We will comply with data protection law; 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 incompatible 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 Data Protection Officer with responsibility for monitoring this privacy notice is Vicky Smith, Early Years Childcare and Education Development Manager.

Why do we collect and use children's information

Freshlings Nursery UCSP will record, processes and keep personal information on you and your child in accordance with the General Data Protection Regulations 2018. If parents fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with you, or we may be prevented from complying with our respective legal obligations.

We may use this data in the following ways:

- Support children's learning and well-being

- Make assessments on children's development
- To maintain contact with you
- Safeguard the children in our care in accordance with relevant legislation
- Comply with Government legislation
- Assess the quality of our services
- Contact you regarding your child

We will only use your personal information for the purpose 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 you as is appropriate and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without respective knowledge or consent, as relevant to the circumstances, in compliance with the above rules, where this required or permitted by law.

What data may be collected, held and shared

Personal data means any information about an individual from which that person can be identified. It does not include data where the identity has been removed. There are special categories of more sensitive personal data which require a higher level of protection, such as information about a person's health. We may process special categories of personal information; in certain circumstance with explicit consent; to carry out our legal obligations; in the public interest, such as equal opportunities monitoring or where it is needed to protect your interests or the information has already been made public.

We collect, hold and share two kinds of record for children attending our setting. These are Personal records and Developmental records.

Personal records include:

- Personal details – including the information provided on your child's registration form and any consent forms and characteristics such as ethnicity, language and nationality. This may include names, dates of birth, address, dietary requirements. We will collect details from parents on the above as well as contact numbers, email address, DOB and national insurance numbers/asylum seeker reference.
- Contractual matters – including the child's day and times of attendance, a record of the child's fees and/funding entitlement, any records of fee reminders and/or disputes.
- Emergency contact details – including those people, other than parents/guardians with authorisation to collect the child from the setting.

- Children's health and well-being – including discussions about every day matters regarding the health and well-being of the child with the parent/guardian, records of accidents, pre-existing injuries and medication records.
- Safeguarding and child protection concerns – including records of all welfare and protection concerns and out resulting actions, meetings and telephone conversations about the child and any information regarding a Looked After Child.
- Records of any reportable death, injury, disease or dangerous occurrence.
- Early Help and SEND – including any focused intervention provided by our setting, a record of the child's IEP, referral paperwork and where relevant their Education, Health and Care plan.
- Correspondence and reports including letters and emails to and from other agencies and any confidential reports relating to specific children.

Development records include:

- Developmental information collected prior to the child starting at the setting
- A copy of the child's two year old progress check
- Observations of children in the setting, photographs, video clips, samples of work and developmental assessment records.
- A summary of the child's EYFS report.
- Transition records.

How your information is collected

We collect personal information about children and parents from when the initial enquiry is made, through the enrolment process and until the children stop using our services.

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with GDPR, we will inform you whether you are required to provide certain information to us or if you have a choice in this. The Early Years Foundation Stage (Welfare Requirements) place a legal obligation upon us to collect and process much of the information detailed above. Therefore we do not require your consent to collect this information as we have a fair and lawful reason for doing so.

Storing personal data

We ensure that access to children's information is restricted to those authorised to see them. These confidential records are stored within the child's room and safeguarding or child protection information is stored in a locked cabinet in the office.

Automated decision-making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- Where we have notified you of the decision and given 21 days to request a reconsideration
- Where it is necessary to perform the contract and appropriate measures are in place to safeguard your rights as appropriate
- In limited circumstances, with explicit consent

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you as is appropriate in the circumstances.

Sharing Information

The information that you provide to us, whether mandatory or voluntary, will be regarded as confidential. We do not share your information about your child without consent unless the law and our policies allow us to do so. Information may be shared internally where appropriate to support your child in the setting.

We routinely share information without consent with:

- Schools/other settings that children attend after leaving us
- Our local authority for the purposes of the Early Education Entitlement funding for 2, 3 and 4 year olds and the Early Years Census
- The Department for Education (DfE) as part of statutory data collections
- Ofsted – during an inspection
- Credit Control and Finance to ensure nursery fees are paid. STA should your fees not be paid and are sent to debt collection
- First Steps management software

We are obliged to share confidential information without authorisation from the person who provided, or to whom it relates, when:

- In order to provide emergency medical assistance or first aid
- There is evidence that the child is suffering, or is at risk of suffering significant harm
- There is reasonable cause to believe that a child may be suffering, or is at risk of suffering, significant harm
- It is to prevent significant harm arising to children, young people or adults, including the prevention, detection and prosecution of serious crime.

Further information regarding information sharing and confidentiality can be found in our policies.

If your information is shared with a third-party they are required to take appropriate security measures to protect your personal information. We do not allow third parties to use your personal data for their own purpose and they are only permitted to process your data for specified purposes and in accordance with our instruction.

Data retention

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. 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, the purposes for which we process your data and whether we can achieve those purposes through other means, and the applicable legal requirements. In some cases 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.

We retain children's records for 24 years after your child has left the setting to ensure that we are able to meet regulations. Development records if not taken when your child leaves will be destroyed 6 months after your child leaves the setting as we have no reason to keep this.

Rights of access

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes. Under data protection legislation, you have the right to request access to information we hold about you. Where a child is too young to give 'informed consent' the parent is the 'subject' of the file and has a right to see the information held. Children's developmental records are shared regularly with parents/guardians and formal requests to access these is not required.

To make a request for your personal information contact Vicky Smith in writing. You also have the right to:

- Object to processing of personal data that is likely to cause or is causing damage or distress
- Withdraw consent where this has been given
- Prevent processing for the purpose of direct marketing
- Object to decisions being taken by automated means

- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and claim compensation for damages caused by a breach of the Data Protection regulations.

**Please let us know if the personal data that we hold about you needs to be updated.

If you would like to discuss anything in this privacy notice, please contact Vicky Smith.