

NIGHTINGALES DAY NURSERY GDPR PRIVACY NOTICE FOR CHILDREN ATTENDING AND THEIR FAMILIES

WHO PROCESSES YOUR INFORMATION?

Nightingales Day Nursery is the data controller of the personal information you provide to us. This means the Nursery determines the purposes for which, and the manner in which, any personal data relating to children and their families is to be processed. In some cases, your data will be outsourced to a third party processor; however, this will only be done with your consent, unless the law requires the Nursery to share your data. Where the Nursery outsources data to a third party processor, the same data protection standards that Nightingales Day Nursery upholds are imposed on the processor.

The Data Protection Officer can be contacted via:

Airedale NHS Foundation Trust
Airedale General Hospital
Skipton Road
Steeton
Keighley
BD20 6TD
Telephone: 01535 294832

WHY DO WE COLLECT AND USE YOUR INFORMATION?

Nightingales holds the legal right to collect and use personal data relating to pupils and their families. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996

HOW WE COLLECT & USE YOUR INFORMATION

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 and video clips of the Child to signpost Children to where their belongings are stored at the Nursery, and also for general display purposes
- Emergency contact should Parents be unavailable and the emergency contact's contact details
- Paper record file or electronic records 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, and personal details of the Child (e.g. their date of birth) ("Progress Report")

- Records relating to individual Children e.g. care plans, common assessment frameworks, 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
- Medication administered forms

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 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:

1. Where we need to perform the contract we have entered into with You.
2. Where we need to comply with a legal obligation.
3. 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:

1. Where we need to protect Your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

Situations in which the Nursery will use personal information of Children

We need all the categories of information in the list 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 and other nurseries 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 without 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 complaint records
- To check attendance patterns are recorded
- When a Child's Progress Report is given to its Parent in order for that Parent to pass the same Progress Report to a school for application or enrolment purposes

Situations in which the Nursery will use personal information of Parents

We need all the categories of information in the list above 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.

- Upon consent from the Parents, Personal Data of Children will be shared with schools and other nurseries 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 without 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 complaint records
- To check attendance patterns are recorded
- When a Child's Progress Report is given to its Parent in order for that Parent to pass the same Progress Report to a school for application or enrolment purposes

If Parents fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with Parents, or we may be prevented from complying with our respective legal obligations to 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 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 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 have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with Parent explicit written consent.
2. Where it is needed in the public interest, such as for equal opportunities monitoring.

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, a Child or a Parents' interests (or someone else's interests) and the Child or Parent as is appropriate is not capable of giving consent, or where the Parent has already made the information public.

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 retention policy which is available from the manager. 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 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 [our data retention policy OR applicable laws and regulations].

WHAT ARE YOUR RIGHTS?

Parents and students have the following rights in relation to the processing of their personal data.

You have the right to:

- Be informed about how Nightingales Day Nursery uses your personal data.
- Request access to the personal data that Nightingales Day Nursery holds.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling reason for its continued processing.
- Request that the processing of your data is restricted.
- Object to your personal data being processed.
- You have the right to lodge a complaint with our supervisory authority, the Information Commissioner's Office, website: www.ico.gov.uk

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

If you have a concern about the way Nightingales Day Nursery is collecting or using your personal data, you can raise a concern with the Information Governance Manager at Airedale NHS Foundation Trust, who can be contacted on 01535 294832.