

### 3.4 Privacy Notice – Early Learners Nurseries



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### Privacy Notice - Data Protection Act 1998 and General Data Protection Regulations – 2018

We collect and use children's information under section 537A of the Education Act 1996, and section 83 of the Children Act 1989. We also comply with Article 6(1)(c) and Article 9(2)(b) of the General Data Protection Regulation (GDPR, May 2018).

#### Understanding Privacy Notice

It is a requirement of our registration with the Information Commissioners Office (ICO) to provide you with information about the details we keep about you and your child/ren. This requirement applies to information we collect in relation to online and paper data processing.

#### Categories of children's information that we collect, hold and share include:

Development records including:

- Information from you
- Details about your child's learning and development at home
- A copy of your child's statutory 2 year progress check
- Observations of your child's learning
- Assessments, planning and regular progress summaries.

Personal records including:

- Personal details required by the statutory framework and / or the local authority for funding purposes. Information about you (*your name, home and work address, phone numbers, email, and family details*)
- Contractual details including attendance registers and fees information. (Such as sessions attended, number of absences and absence reasons)
- Emergency details including your contact details and records of your child's health and care needs.
- Safeguarding and child protection records
- Any records required to support your child such as shared information from other agencies and/ or working professionals.
- Special educational needs or disability information.

#### Why we collect this information and the legal basis for handling your data

We use personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. This includes using your data to:

- contact you in case of an emergency
- to support your child's wellbeing and development
- to manage any special educational, health or medical needs of your child whilst at our setting
- to carry out regular assessment of your child's progress and to identify any areas of concern
- to maintain contact with you about your child's progress and respond to any questions you may have
- to process your claim for up to 2, 3 or 4-year-old free childcare (*only where applicable*)
- to keep you updated with information about our service

With your consent, we will also record your child's activities for their individual learning record. This may include photographs and videos. You will have the opportunity to withdraw your consent at any time, for images taken by confirming so in writing.

#### Collecting children's information

Whilst the majority of children's information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain children's information to us or if you have a choice in this.

#### Storing information

We hold data in line with statutory requirements after the child has left the setting. We have set retention periods for data and records.

#### Who do we share data with?

We are required to ensure the information collected about you and your child/ren is treated confidentially and only shared when there is a need for it to be shared. In order for us to deliver childcare services we will also share your data as required with the following categories of recipients:

- Our local authority (for example: 2, 3 and 4 year old funding)
- The Department for Education (DfE)
- We share information with other settings or agencies involved in your child's care – requirement of EYFS
- We share a copy of your child's 2 year progress check with your health visitor – requirement of EYFS
- We share information about income and expenses including, when requested, your invoices and payments with HMRC and Tax Credits.
- our setting software management provider
- We will not share any information with anyone without parents' consent, unless there is a child protection concern.
- our insurance underwriter
- Ofsted may require access to my records at any time.
- Company solicitors to enforce or apply the terms and conditions of your contract with us. If it is necessary to protect our/ or others rights, property or safety

#### Ensuring your data is accurate

Under the GDPR I am required to keep data about you and your child/ren up-to-date and to ensure it is accurate; We will do this regularly. You have the right to access personal data about you and your child/ren and I will share this information with you on request.

#### Why we share children's information

We do not share information about our children's with anyone without consent unless the law and our policies allow us to do so. We share children's data with the Department for Education (DfE) on a statutory basis.

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the Early Years census) go to - <https://www.gov.uk/search?q=Early+Years+Census>

The DfE may also share child level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998 and the General data Protection Regulations 2018. Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are 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 child level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

#### Requesting access to your personal data

Under data protection legislation, parents have the right to request access to information about them that we hold. To make a request to the manager of the setting for your personal information, or be given access to your child's educational record, contact:

<b>Early Learners Nursery (Middlewich) Ltd</b> Booth Lane, Middlewich, Cheshire, CW100JL  T: 01606841174 E: middlewich@e-l-n.co.uk	<b>Early Learners Nursery (St Helens) Ltd</b> Irwin Road, St Helens, Merseyside, WA93UG  T: 01744817771 E: sthelens@e-l-n.co.uk	<b>Early Learners Nursery (Runcorn) Ltd</b> Lowlands Road, Runcorn, Cheshire, WA75TR  T: 01928581881 E: runcorn@e-l-n.co.uk	<b>Early Learners Nursery (Widnes) Ltd</b> 20 Deacon Road, Widnes, Cheshire, WA86ED  T: 01514242987 E: widnes@e-l-n.co.uk
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#### Your data protection rights

Under data protection law, you have rights including:

- Your right of access - You have the right to ask us for copies of your personal information.
- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances. In certain circumstances, we have inaccurate personal data rectified, blocked, erased or destroyed; and
- Your right to restriction of processing
- You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.
- You are not required to pay any charge for exercising your rights.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or if you have continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern you can contact the Information Commissioner's Office (ICO).

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

Changes to this notice

We keep this notice under regular review. You will be notified of any changes where appropriate.

Signed on behalf of setting:

*H. McCann*

Date: 05/04/21

Print Name: Hayden McCann