

## **General Data Protection Privacy Notice**

GDPR stands for the General Data Protection Regulation and replaces the previous Data Protection Act, 1998. At its most basic level GDPR is designed to give people more control over their personal data by ensuring it is only ever collected, stored and utilised with specific consent. It was approved by the EU parliament in 2016 and comes into effect on the 25<sup>th</sup> May 2018.

### **Introduction**

Pinvin Community Pre-school is the data controller of the personal information you provide to us, personal information is defined as information that identifies a person as an individual. As part of our commitment to protect the rights and freedoms of individuals in the processing of data we have a designated person, Heather Stockman McGuire representing Pinvin Community Pre-school, with regard to our data controller responsibilities. Additionally, we are registered with the Information Commissioners Office (ICO) under registration number A8280583.

### **GDPR Principles**

Personal data should be;

1. Processed lawfully, fairly and in a transparent manner
2. Collected for specified, explicit and legitimate purposes
3. Adequate, relevant and limited to what is necessary
4. Accurate and where necessary kept up to date
5. Retained only for as long as necessary
6. Processed in an appropriate manner to maintain security

### **Why do we collect your data?**

Our primary reasons for processing data is to meet our legal obligations in regard to operating as an Early year's childcare provider and after school club, and our legal duties as an employer. Whilst the majority of the data you provide is mandatory some is provided on a voluntary basis. For voluntary data we will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

## **What data is collected?**

We process personal data about prospective, current and past; pupils, families, staff members, students, suppliers, professional agencies and other individuals connected to Pinvin Community Pre-school. The personal data we process takes different forms, it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to a living individual;

- Names, addresses, telephone numbers, email addresses and other contact details
- Family details
- Relevant medical information
- Information about special educational needs and disabilities
- Assessment information including behavioural information
- Education and employment data
- Images, audio and video recordings
- Financial information
- Continuous professional development i.e. Courses meetings or events attended
- Staff administration to include recruitment, performance, conduct of any grievance, capability or disciplinary procedures and the maintenance of appropriate human resources records for current and former staff; and providing references.

As an employer and Early years provider we sometimes need to process **special category personal data** e.g. health information and criminal records information about some individuals. We do so in accordance with applicable law (including with respect to safeguarding or employment) or by explicit consent.

## **How do we collect data?**

We collect most of the personal data we process directly from the individual concerned (or in the case of children, from their parents). In some cases, we collect data from third parties (for example, referees, previous schools, the disclosure and barring service, or professionals or authorities working with the individual).

## **Lawful basis for processing data**

GDPR states personal data can only be processed if one or more of the following apply;

### ***Processing is necessary for;***

1. the performance of a contract with the data subject
2. compliance with a legal obligation
3. to protect the vital interests of the data subject
4. the public interest or the controller has official authority
5. the purposes of legitimate interests pursued by the controller or a third party
6. Or the data subject has provided consent

### ***Necessary for a contract***

This constitutes processing of information in order to perform our obligations under our contract with you. Examples of this could be; we require contact details, so we can contact you with any concerns or we need your national insurance number to be able to pay you or claim for funding on your behalf.

### ***Legal obligation***

This concerns the processing of information in order to comply with a legal obligation, for example the reporting of a safeguarding concern. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

### ***Vital interests***

This would constitute the processing of information to prevent someone from being seriously harmed or killed. Examples would be medical information required to keep the data subject from harm.

### ***Legitimate interests***

Pinvin community pre-school has a legitimate interest to;

#### ***The child and family;***

- Providing educational services to your child
- Safeguarding and promoting the welfare of your child and other children

*Staff members;*

- Ensuring all legal obligations as an employer are met
- Safeguarding and promoting the welfare of employees

*The setting;*

- Promoting the interests of the pre-school
- Facilitating the efficient operation of the pre-school
- Forward planning to ensure the longevity of the business to include marketing and fundraising opportunities

### **Public interest**

Data processed in the 'public's interest' may be information given in censuses, government initiatives or reporting incidents to police. This list is not exhaustive.

### **Will my information be shared?**

Pinvin community pre-school will share personal data (including special category personal data where appropriate) with third parties such as;

- ✓ Worcestershire Safeguarding Board
- ✓ HM revenue and customs
- ✓ Local authority i.e. claiming for NEF funding
- ✓ Department for work and pensions
- ✓ Insurance company
- ✓ Ofsted i.e. if your child has a serious injury in our care
- ✓ Public Health England i.e. reportable diseases
- ✓ Paramedics/health professionals in the case of an emergency
- ✓ Legal representatives regarding employment law or breach of contracts
- ✓ Schools or settings where the child has split placement
- ✓ Police
- ✓ Professional agencies when supporting children and families

Some of our systems are provided by third parties, e.g. Tapestry, pre-school website, providers portal, NEST pension scheme or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with our specific directions.

*School Transition* – When a child moves on to school or changes setting we are committed to supporting a seamless transition. With this in mind we will share information relating to your child’s development, and interests and any other information we feel is appropriate during the transition process.

### **How is my data stored?**

Pinvin Community Pre-school takes its responsibilities as data controller seriously and review risk assessments regularly on how we store data to prevent a data breach. All paper copies of children and staff records are kept in a locked filing cabinet. Members of staff can have access to these files in order to perform their duties, however information taken from files about individual children is confidential.

### **How long is your data stored for?**

We retain personal data only for a legitimate and lawful reason and only for so long as necessary or required by law. We have adopted the Pre-school Learning Alliance guidelines which set out the time period for which different categories of data are kept. Once a child or staff member has left the Pre-school we archive paper documents using suitable data storage hardware or keep original documents where necessary. All paper documents are shredded or deleted after the retention period.

If you have any specific queries about our record retention periods or wish to request that your personal data is considered for erasure, please contact our representative, Heather Stockman McGuire.

### **What are your rights?**

You have various rights under the GDPR in regard to accessing and understanding the personal data we hold about you, and in some cases to ask for it to be erased or amended subject to certain exemptions and limitations.

#### *The Right to be Informed*

As a data subject you have a right to be informed of what data we process, this information is detailed within this privacy notice.

### *The Right to Access*

At any time, an individual can make a subject access request (SAR) relating to their data, through contacting Heather Stockman McGuire. We will respond to any request as soon as is reasonably practicable and in any event within statutory time limits, which is currently one month. We will be able to respond quickly to smaller targeted requests for information. If the request is manifestly excessive or similar to previous requests, we may ask you to reconsider or charge a proportionate fee, but only where we are legally entitled to do this. You should be aware that certain data is exempt from right of access. This may include information which identifies other individuals, or information which is subject to legal privilege.

### *Right to Rectification*

If any personal data, we hold is incorrect you may ask us to correct it. As part of our normal procedures and contractual obligations we want to ensure that all personal data is as up to date and accurate as possible. Please notify Heather Stockman McGuire of any significant changes to important information, such as contact details held about you.

As part of our normal procedures an annual reminder will also be sent out to confirm any changes to the personal data that we hold on you.

### *Right to Erasure*

You have the right to request the deletion of your data where there is no legal obligation for us to hold the data

### *Right to Restriction of Processing*

In some circumstances individuals have the right to request the restriction or suppression of their personal data. This means we can hold personal data but are not able to use this.

### *Right to Objection*

Data subjects can object to their data being used for certain activities like marketing or research.

*Right to data portability*

Sometimes data subjects require data to be transferred to other organisations, from one IT system to another; for example, Tapestry online learning journals.

*Right to lodge a complaint with the ICO*

If you have a concern about the way in which Pinvin Community Pre-school is collecting or processing your personal data, you can raise a concern with the Information Commissioners Office (ICO) contactable on **0303 123 1113**, Monday to Friday 9-5pm.

**What happens if you don't provide information?**

Most personal data is required for us to fulfil our contractual obligations with you, we therefore have the right to withdraw our contract should essential data be withdrawn.

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Declaration

I, \_\_\_\_\_, declare that I understand:

What personal data Pinvin Community Pre-school collects, and reasons for this.

How we collect data, where this is stored and for how long.

The lawful basis for data processing.

Your rights as a data subject.

How I can complain about how my personal data is processed.

Date; \_\_\_\_\_ Signature; \_\_\_\_\_

Date; \_\_\_\_\_ Signature; \_\_\_\_\_