

*Developing a brighter future***POLICY No: SNP008.2****TITLE:** General Data Protection Regulation (GDPR) PRIVACY POLICY**VERSION: 02**

VERSION	BRIEF DESCRIPTION OF CHANGE:	APPROVED BY:	EFFECTIVE DATE	REVIEW DATE
02	UPDATED TO REFLECT NEW EYFS CHANGES	TARA (NURSERY MANAGER)	DEC 2023	DEC 2024

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Legislation

When developing this policy and implementing Sunnyside Nursery procedures we have particular regard to:

- Data Protection Act 2018
- Freedom of Information Act 2000
- Limitation Act 1980

This policy is for;

CHILDREN ATTENDING SUNNYSIDE NURSERY

THEIR PARENTS AND

EMPLOYEES

THE PURPOSE OF THIS DOCUMENT

Sunnyside Nursery is committed to protecting the privacy and security of our employees, children and their family's personal information.

This policy describes how Sunnyside Nursery collects and uses personal information about employees of the nursery, children attending the nursery and the parents of the children, in accordance with the General Data Protection Regulation (GDPR).

Sunnyside Nursery is a “**data controller**”. This means that we are responsible for deciding how we hold and use personal information about our employees, children and their families.

Our Data Protection Officer is Tara Lougheed (Nursery Manager). Shalina Miah the nursery Deputy Manager acts as a representative for the nursery with regard to Data Controller responsibilities.

We are required under data protection legislation to notify you of the information contained in this policy. This will be carried out in the following ways:

- Inductions
- Writing
- Meetings
- Supervisions
- Nursery Website

This policy does not form part of any contract of employment or other contract to provide services. We may update this policy at any time but if we do so, we will inform and/or provide employees, children and parents with an updated copy of this policy as soon as reasonably practical.

DATA PROTECTION PRINCIPLES

Sunnyside Nursery will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept securely

THE LAWFUL BASIS ON WHICH WE USE THIS INFORMATION

Sunnyside Nursery collects and uses personal data relating to children and their families when the law allows us to. We may also receive information regarding them from the previous nursery, local authority and/or the Department for Education. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the General Data Protection Regulation (GDPR) and UK law, including those relating to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of the Education (Information about individual Pupils) (England) Regulations 2013
- We must have a lawful basis for processing all personal data within our nursery and this is recorded on our Information audit for all the different information we collect.

The six reasons as follows:

- (a) Consent:** the individual has given clear consent for Sunnyside Nursery to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.

- (c) **Legal obligation:** the processing is necessary for Sunnyside Nursery to comply with the law (not including contractual obligations).
- (d) **Vital interests:** the processing is necessary to protect someone's life.
- (e) **Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- (f) **Legitimate interests:** the processing is necessary for Sunnyside Nursery's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

For the majority of data we collect, the lawful basis for doing so falls under the category of 'legal obligation' such as names, date of birth and addresses as we have a legal requirement to obtain this data as part of the Statutory Framework for the Early Years Foundation Stage (2023). Some data we collect, for example, photographs, requires parents to give consent for us to do so. Where this is the case, parents will be required to sign a consent form to 'opt in' and are made aware that they have the right to withdraw their consent at any time. We may also be required to collect data as part of parent's contract with the setting or local authority, for example, for us to claim government funding.

Data retention

We will hold information about individuals only for as long as the law says and no longer than necessary. After this, we will dispose of it securely. Please see a copy of the retention periods for records.

Security

We keep data about all individuals secure and aim to protect data against unauthorised change, damage, loss or theft. All data collected is only accessed by authorised individuals. All paper forms are kept locked away and all computers and tablets are password protected.

Privacy notices

All parents and staff are provided with privacy notices which inform them of our procedures around how and why we collect data, information sharing, security, data retention, access to their records and our commitment to compliance with the GDPR (2018) legislation.

Ensuring compliance

The members of staff responsible for ensuring that Sunnyside Nursery is compliant are Tara Lougheed (Manager) and Shalina Miah (Deputy). Their main duties are:

- Ensure that the provision is compliant with GDPR.
- Audit all personal data held.
- Ensure all staff are aware of their responsibilities under the law, this may include delivering staff training.
- Undertake investigations when there is a breach of personal data and report to the Information Commissions Office (ICO).
- Keep up to date with the legislation.

Legal framework

- The General Data Protection Regulation (2018)
- Human Rights Act 1998

Collecting Child Information

Whilst the majority of child information staff and/or parents/carers provide to us is mandatory, some of it is provided to us on a voluntary basis. Some of the information we collect and use is provided with your consent and that is the lawful basis for us processing it, for example, your permission to process your child's data for nursery trips.

In order to comply with the General Data Protection Regulation Sunnyside Nursery will make it clear where we are asking for your consent and why, with specific and explicit information to the reasons the data is being collected and how the data will be used and provide you with the opportunity to refuse to provide us with that information, explaining what the consequence of that will be.

Children and Parents:

We collect personal information about Children and Parents/Carer from when the initial enquiry is made by the Parents/Carer; through the enrolment process and until the Child(ren) stop using the Sunnyside Nursery's services.

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.

THE CATEGORIES OF INFORMATION THAT WE COLLECT, STORE, USE AND SHARE (when appropriate) about Children their Parents and Employees INCLUDES, BUT IS NOT RESTRICTED TO:-

Children

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

- Full Name
- Date of birth
- Home address
- Home and address of every parent/carer who is known to us
- Information about any other person who has parental responsibility for the child
- Which parent(s) and/or carer(s) the child normally lives with
- Emergency contact details for parents and/or carers
- Emergency contact should Parents be unavailable and the emergency contact's contact details
- Dietary requirements
- Attendance information
- Photographs and video clips of the Child to signpost Children to where their belongings are stored at Sunnyside Nursery, and also for general display purposes
- CCTV images captured in the nursery
- The learning journal 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, speech and language referral forms, behaviour plans
- 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.

We may also hold data about children that we have received from other organisations, including other nurseries, local authorities and the Department of Education.

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 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

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 Sunnyside Nursery deem it relevant to the prevention of radicalisation or other aspects of the governments Prevent strategy.

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 without 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

HOW EMPLOYEE PERSONAL INFORMATION IS COLLECTED

Employees:

We collect personal information about Employees through the application and safer 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, credit reference agencies or 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.

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.
- Marital status and dependents.
- 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.
- DBS number or certificate
- Copy of driving licence / passport (where applicable).
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).

- 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 communications 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:
- where an Employee leaves employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
- 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.

HOW WE WILL USE INFORMATION ABOUT YOU

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

- Where we need to perform the contract we have entered into with the employee.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and the employee’s interests and fundamental rights do not override those 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 (NICs).
- 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, engagement.
- 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 communication 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.

If Employees and Parents fail to provide personal information

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

Change of purpose

We will only use collected 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/Carer, 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, a Child's or a Parent's/Carer'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. Sunnyside Nursery 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 Employee or Parent/Carer explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with Employee employment
3. 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, a Child or a Parents/Carers' interests (or someone else's interests) and the Employee, Child or Parent/Carer as is appropriate is not capable of giving consent, or where the Employee or Parent/Carer 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, pensions and permanent health insurance.
- 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 in accordance with our written policy 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 or a Parent/Carer, 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, 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. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

AUTOMATED DECISION-MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. Example: This can take place in the i-connect system when the child moves up the age groups while he may physically stay in the same class depending upon their progress.

We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified Employees or Parents/Carers of the decision and given the Employee or the Parent as is appropriate 21 days to request reconsideration.
2. Where it is necessary to perform the contract with an Employee or a Parent/Carer and appropriate measures are in place to safeguard the Employee's, the Child's or the Parent/Carers' rights as is appropriate.
3. In limited circumstances, with explicit written consent from the Employee or the Parent/Carer, as is appropriate, and where appropriate measures are in place to safeguard Employee or Parent/Carer rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either explicit written consent from an Employee or a Parent/Carer as is appropriate, or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard an Employee or a Parents/Carers rights as is relevant in the circumstances. 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 the Employee or the Parent/Carer as is appropriate in the circumstances.

DATA SHARING

We may have to share Employee, Child or Parent/Carer 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 Sunnyside Nursery share Employee, Child or Parent/Carer 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 (including contractors and designated agents), 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 funding 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/Other settings— to provide a successful transition by ensuring information about the child's progress and current level of development and interests are shared. We will share personal data regarding your participation in any pension arrangement operated by a group company with the trustees or scheme managers of the arrangement in connection with the administration of the arrangements.

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.

What about other third parties?

We may share Your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction. We may also need to share your personal information with a regulator or to otherwise comply with the law.

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. Retention of documents will be made in accordance to the Legislation and as per the regulations of OFSTED.

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 or Parents/Carers 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 or Parents/Carers, 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 manager in writing.

No fee usually required

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 identity 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 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 manager (Tara Lougheed).

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 per session between the hours of 8.30am — 3 pm, Monday — Friday.

This policy is checked annually and formally reviewed at least every 3 years and/or revised as required by legislation, government guidance and/or feedback from service users.

This policy supports all other policies and should be read together with the following policies:

- Safety & Security
- Safeguarding
- Educational Outings
- Food & Drink
- Accident & Injury
- Illness & Medication
- E-Safety

This policy was adapted in December 2023 and due for review in December 2024
