



Norfolk House Nursery

Child Privacy Notice - for parents of children

Introduction

This notice is to help you understand **how** and **why** we collect your child's personal information and **what** we do with that information. It also explains the decisions that you can make about your child's information.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

If you have any questions about this notice please talk to the Office Manager.

What is "personal information"?

Personal information is information that the Nursery holds about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like medical details and behaviour records. We will also hold information such as your child's religion and ethnic group for the purposes of making necessary adjustments, educational and census purposes. CCTV, photos and video recordings of your child are also personal information.

Our legal bases for using your child's information

This section contains information about the legal basis that we are relying on when handling your child's information.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 34 below.

Legitimate interests ("LI")

This means that the Nursery is using your child's information when this is necessary for the Nursery's legitimate interests or someone else's legitimate interests. We will not rely on this basis when your child's interests and fundamental rights override our legitimate interests. Specifically, the Nursery has a legitimate interest in:

- Providing your child (and other children) with an education and making sure that your child is behaving properly.
- Complying with our agreement with you for your child to be at the Nursery.
- Keeping the Nursery buildings safe.
- Making sure that the Nursery is well managed and that we protect the Nursery's reputation.
- Safeguarding and promoting your child's welfare and the welfare of other children.
- Promoting the objects and interests of the Nursery. This includes fundraising and using photographs of your child in promotional material such as on our website or social media.
- Ensuring that all relevant legal obligations of the Nursery are complied with (for example in relation to inspections).
- Using your child's information in connection with legal disputes.
- Facilitating the efficient operation of the Nursery.

In addition your child's personal information may be processed for the legitimate interests of others. For example, we may use information about your child when investigating a complaint made by the parents of another child.

Legal obligation ("LO")

Where the Nursery needs to use your child's information in order to comply with a legal obligation, for example to report a concern about your wellbeing to Children's Services. We will also have to disclose your child's information to third parties such as the courts, the local authority or the police where legally obliged to do so.

Vital interests

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your child or they are seriously hurt).

Performance of a task carried out in the public interest (or carrying out public tasks) ("PI")

This applies where what we are doing is for the benefit of people generally. The following are examples of where this applies:

- providing your child and others with an education;
- safeguarding and promoting your child's welfare and the welfare of other children;
- facilitating the efficient operation of the Nursery; and
- ensuring that we comply with all of our legal obligations.

The Nursery must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or

philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

Substantial public interest ("SPI")

The Nursery is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example the Nursery will use information about your child's health to look after him / her. We may also use other types of special category personal data about your child to provide them with an education, to look after your child and other children or when the Nursery is inspected.

Employment and social protection and social security law ("ESP")

There will be times when the Nursery needs to use your child's information because we are an employer. Also the Nursery will use your child's information to comply with social protection law (e.g. to look after your child) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

Vital interests

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your child or they are seriously hurt).

Legal claims ("LC")

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

How and why does the Nursery collect and use your child's personal information?

We set out below different ways in which we use personal information and where this personal information comes from. The letters highlighted in different colours refer to the legal bases we are relying on. Please see the section above for an explanation.

1. Our primary reason for using your child's information is to provide your child with an education - LI, PI, SPI.
2. The Nursery will also use your child's personal information to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) - LI, PI, SPI, ESP, MP.

The admissions forms which you complete give us personal information about your child. We get information from your child, staff and other children. Your child's old Nursery also gives us information about their progress and any difficulties they had if we need this information to teach and care for them.

Sometimes we get information from your child's doctor and other professionals where we need this to look after your child.

3. We will use information about your child when considering any information provided on the registration form. We may let your child's previous nursery know if they have been offered a place at the Nursery - LI, PI, SPI.
4. We need to tell all appropriate members of staff if your child has a health issue - LI, PI, SPI.
5. We will tell staff if your child has special educational needs or requires extra help with some tasks - LI, PI, SPI.
6. We may need to share information about your child (e.g. about their health and wellbeing) with medical professionals - LI, PI, SPI, ESP, MP.
7. If we have information that your child suffers from an allergy we will use this information so that we can look after your child - LI, PI, SPI, VI, MP.
8. If we have information that your child suffers from a disability we will use information about that disability to provide support - LI, PI, SPI, ESP and in certain circumstances, MP.
9. Where appropriate, the Nursery will have information about your child's religious beliefs and practices. For example, if your child does not eat certain foods - LI, PI, SPI.]
10. We use CCTV to make sure the Nursery site is safe. CCTV is not used in private areas such as changing rooms - LI, PI, SPI.
11. We record your child's attendance and if he or she has time away from the Nursery we record the reason(s) why - LI, PI, SPI.
12. We will need to report some of your child's information to the local authority, and must do so if we have any concerns about your child's welfare - LI, LO, PI, SPI, ESP.
13. We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the Nursery - LI, LO, SPI.
14. When we are inspected by OFSTED we will have to make your child's information available to the inspectors to assist them with their inspection - LI, LO, PI, SPI.
15. If the Nursery receives a complaint or grievance which involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child - LI, PI, SPI.
16. The Nursery may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your

child's Statement of Special Educational Needs or Education Health and Care Plan - **LI, PI, LO**.

17. We will need information about any court orders or criminal petitions which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other children at the Nursery - **LI, PI, SPI**.

18. When your child leaves us we will provide their information to other nurseries / schools - **LI, PI, SPI**.

19. If your child has a safeguarding file, we are legally required to pass this file to their next educational establishment - **LI, LO, PI, SPI, ESP**.

20. We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if a child is injured at Nursery or if there is a burglary - **LI, LO, PI, SPI, LC**.

21. We use consultants, experts and other advisors to assist the Nursery in fulfilling its obligations and to help run the Nursery properly. We will share your child's information with them if this is relevant to their work - **LI, PI, SPI**.

22. We may share some information with our insurance company to make sure that we have the insurance cover that we need - **LI, PI, SPI, LC**.

23. If you have appointed an agent to act on your behalf during the admissions process, then we may share information about your child with them. For example, we may send them the acceptance letter so that they can pass this on to you - **LI**.

24. We will share your child's records of progress and behaviour with you so that you can support their development - **LI, PI, SPI**.

25. We will monitor your child's use of technology to ensure that they are not putting themselves or others at risk of harm - **LI, PI, SPI**.

26. We may use photographs or videos of your child for the Nursery's website and social media sites or to show prospective parents what we do here and to advertise the Nursery. We will continue to use these photographs and videos after your child has left the Nursery - **LI, PI**.

27. Sometimes we use photographs and videos for teaching purposes - **LI**.

If you have any concerns about us using photographs or videos of your child please speak to the Office Manager.

28. We publish news on the website and social media sites and put articles and photographs in the local news to tell people about what we have been doing - **LI**.

29. The Nursery must make sure that its computer network is working well and is secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child - **LI**.

30. We engage third parties to provide activities such as sports coaching or tuition in a musical instrument. We will share your child's information with them - **LI, PI**].

31. We can keep information about your child for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the Nursery - **LI**.

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- IT consultants who might access information about your child when checking the security of our IT network]; and
- we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the Nursery site.

If you have any questions about the above, please speak to the Office Manager.

Criminal offence information

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights or to look after our children.

More than one basis

As you will see from the information above, in some cases we will rely on more than one basis for a particular use of your child's information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on "legal obligation" to share personal information with the local authority in addition to the other legal bases which are noted for safeguarding purposes.

Consent

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask

for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your child's personal information you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to the Office Manager if you would like to withdraw any consent given.

Sending information to other countries

We may send your child's information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we may store your child's information on cloud computer storage based overseas.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

If the country that we are sending your child's information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Office Manager.

For how long do we keep your child's information?

We keep your child's information for as long as we need to in order to educate and look after them. We will keep certain information after your child has left the Nursery, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Information and Records Retention Policy for more detailed information which can be found in the 'Policies' section of our website.

What decisions can you make about your child's information?

From May 2018 you will be able to make various decisions about your child's information. Some of these are new rights whilst others build on your child's existing rights. Your child's rights are as follows:

- **Rectification:** if information held by the Nursery about your child is incorrect you can ask us to correct it.

- **Access:** you can also ask what information we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the information that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** our use of information about your child may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your child's information where:
 - we are using it for direct marketing purposes;
 - the legal basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal bases for using your child's information" above;
 - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your child's group for historical reasons.

The Office Manager can give you more information about your child's data protection rights.

Further information and guidance

This notice is to explain how we look after your child's personal information. The Office Manager can answer any questions which you might have.

Please speak to the Office Manager if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you consider that we have not acted properly when using your child's personal information you can contact the Information Commissioner's Office: ico.org.uk.