



**GDPR PRIVACY AND CONSENT NOTICE**

**CHILDREN ATTENDING DARLINGTON COLLEGE CHILDCARE CENTRE**

**AND THEIR PARENTS**

## **WHAT IS THE PURPOSE OF THIS DOCUMENT?**

Darlington College Childcare Centre is committed to protecting the privacy and security of your personal information.

This privacy notice describes how the Childcare Centre collects and uses personal information about children attending the Childcare Centre (“Child” or “Children”) and the parents of the Children (“Parents”) (known collectively as “You” or “Your”), in accordance with the General Data Protection Regulation (GDPR).

Darlington College Childcare Centre is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about You. We are required under data protection legislation to notify You of the information contained in this privacy notice.

This notice applies to Children and Parents. This notice does not form part of any contract to provide services. We may update this notice at any time but if we do so, we will provide You with an updated copy of this notice as soon as reasonably practical.

It is important that Parents read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about You, so that You are aware of how and why we are using such information and what Your rights are under the data protection legislation.

## **DATA PROTECTION PRINCIPLES**

We will comply with data protection law. This says that the personal information we hold about You must be:

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

## **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 your child’s race, ethnicity, religion and health information.

## **Children:**

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

- Name
- Date of birth
- Gender
- Home address
- Dietary requirements, allergies, forbidden foods, likes/dislikes
- Attendance information (start date, days/hours attended)
- Medical and Health information
- Photographs and video clips of your Child (including their name and date of birth where applicable) for general display purposes within the Childcare Centre and also to signpost Children to where their belongings are stored within the Childcare Centre.
- Emergency contact details should Parents be unavailable
- Learning Journey of your Child containing their work whilst at the Childcare Centre, observations about the Child's development whilst at the Childcare Centre from Employees of the Childcare Centre, specific examples of the Child's progress, photographs demonstrating the Child's development whilst at the Childcare Centre, and personal details of the Child (e.g. their date of birth)
- Local Authority Baseline Assessment Tool
- 2-year progress check
- Records relating to individual Children e.g. one plan, consent to gain external professional support, speech and language referral forms, funding application forms
- Accidents and pre-existing injuries forms
- 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.

## **Parents:**

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

- Name
- Home address
- Telephone numbers, and personal email addresses.

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 Childcare Centre deem it relevant to the prevention of radicalisation or other aspects of the governments Prevent strategy.

It is the duty of you, the data subject, to inform Darlington College Childcare Centre of changes to the data we hold on you and your child to ensure the data we hold is correct.

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

### **Children and Parents:**

We collect personal information about Children and Parents from when the initial enquiry is made by the Parents, through the enrolment process and until the Children stop using the Childcare Centre services.

## **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 Childcare Centre will use personal information of 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 and developmental information of Children will be shared with local authorities without the consent of Parents for funding and data analysis purposes.
- Ofsted will be allowed access to the Childcare Centre systems
  - To review child protection records.
  - To ensure we meet the individual needs of all of the Children in our care.
  - To enable the appropriate funding to be received
  - Report on a Child's progress whilst with the Childcare Centre

- To check safeguarding records
- To check complaint records
- To check attendance patterns are recorded
- When a Child's Learning Journey/Baseline Assessment Tool is given to its Parent in order for that Parent to pass the same Learning Journey/Baseline Assessment Tool to a school for application or enrolment purposes

### **Situations in which the Childcare Centre will use personal information of Parents**

The situations in which we will process personal information of Parents are listed below.

- To provide proof of consent of your agreement to our contract terms and conditions.
- 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/College childcare funding is paid

### **If Parents fail to provide personal information**

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 you 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 (EYFS 3.68 – 3.73)

### **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

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 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.

## **STORAGE OF DATA**

All of your child's data is kept in either paper form or on our software systems. Personal data kept on the software system is securely protected with individual log ins for those who need access only. Data stored in paper form will be kept (in line with our Data retention guidelines) securely in a locked filing cabinet or cupboard and access will be given only to those who have authorised access.

## **DATA SHARING**

We may have to share Child or Parent 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 the Nursery share Child or Parent 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 Authority – for funding, developmental data collection and monitoring purposes (e.g. equal opportunities, data workbook inputted information and uptake of funded hours)
- Regulatory bodies – for ensuring compliance and the safety and welfare of the children
- Schools – to provide a successful transition by ensuring information about the child's progress and current level of development and interests are shared

### **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 as above.

## **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 on request. 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.

## **YOUR DATA SUBJECT DUTY AND RIGHTS**

Under the guidance of GDPR you have the right to request access to all/any data the Childcare Centre holds regarding you or your child. Please see the Data Protection Officer if you wish to make a subject access request.

### **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.

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 Childcare Centre Manager in writing.

### **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 / your child's 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 Data Protection Officer – Andrea Brennan. 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.

**If you have any questions about this privacy notice, please contact Andrea Brennan Childcare Centre Manager on 01325 503144 or via email at [abrennan@darlington.ac.uk](mailto:abrennan@darlington.ac.uk)**

I, \_\_\_\_\_ (Parent),

acknowledge that on \_\_\_\_\_ (date),

I have read the Childcare Centre’s privacy notice for Children and Parents and understand the contents.

Signature

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Name

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