

GDPR Policy Privacy Notice



StePPing StoneS

Updated: June 2022

Introduction

Policy Statement

Stepping Stones nursery is a private nursery for children aged 3 months – 5 years. The setting is aware of its responsibilities regarding Data Protection legislation, including the General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018. Stepping Stones is committed to protecting the rights and freedoms of individuals with respect to the processing of children's, parents, visitors and staff personal data. The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

Definitions:

<u>Term</u>	<u>Definition</u>
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Genetics• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes• Health – physical or mental• Sex life or sexual orientation
Data subject	The identified or identifiable individual whose personal data is held or processed.
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

Aims

At Stepping Stones Nursery we recognise that we hold sensitive/confidential information about children and their families and the staff we employ. This information is used to meet children's needs, for registers, invoices and emergency contacts. We store all records in a locked cabinet or on the office computer with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence. This policy works alongside the Privacy Notice to ensure compliance under General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR) and Data Protection Act 2018

Legal requirements

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) 2021 and accompanying regulations about the information we must hold about registered children and their families and the staff working at the nursery
- We follow the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679 (GDPR), Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

Purposes of the Privacy Notice

This Privacy Notice is intended to provide information about how the setting will use (or "process") personal data about individuals including its current, past and prospective children and their parents, carers or guardians (referred to in this policy as "parents"). This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff and parents are all encouraged to read this Privacy Notice and understand the setting's obligations to its entire community.

This policy applies alongside any other information the nursery may provide about a use of personal data. This Privacy Notice also applies in addition to the setting's other relevant terms and conditions and policies, including:

- any contract between the setting and its staff or the parents of children;
- the setting's retention of records policy;
- the setting's safeguarding and health and safety policies, including as to how concerns or incidents are recorded.

Anyone who works for, or acts on behalf of, the setting (including staff, volunteers and service providers) should also be aware of and comply with this Privacy Notice about how personal data should be stored and processed.

Data Protection Officer

The Setting has appointed Zoheb Gaj (Director) as its Privacy Officer, who will deal with requests and enquiries concerning the setting's uses of your personal data (see section on Your Rights below). The Data Protection Officer will try to ensure all personal data is processed in compliance with this Privacy Notice and Data Protection Law.

Data Protection Principles

The GDPR is based on data protection principles that our setting must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Processed in a way that it remains appropriately secure
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed

GDPR includes 7 rights for individuals:

1. The right to be informed

Stepping Stones is a registered Childcare provider with Ofsted and as so, is required to collect and manage certain data. We need to know parent's names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers.

We need to know children's' full names, addresses, date of birth and Birth Certificate number. For parents claiming the free nursery entitlement we are requested to provide this data to Hillingdon Council; this information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors such as their name and organisation/telephone number from where they come from. This is in line with our health and safety and safeguarding policy.

As an employer Stepping Stones is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers, photographic ID such as passport and driver's license and bank details. This information is also required for Disclosure and Barring Service checks (DBS) and proof of eligibility to work in the UK. This information is sent via a secure file transfer system to Verifile for the processing of DBS checks.

Stepping Stones uses Cookies on its website to collect data for Google Analytics, however this data is anonymous.

2. The right to access

At any point an individual can make a request relating to their data and Stepping Stones will need to provide a response (within 1 month). Stepping Stones can refuse a request, if we have a lawful obligation to retain data i.e. from Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision. The setting will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the setting may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about children without their consent. The setting may consider there are lawful grounds for

sharing with or without reference to that children. Parents will in general receive educational and pastoral updates about their children in accordance with the Parent Contract. Where parents are separated, the setting will in most cases aim to provide the same information to each person with parental responsibility but may need to factor in all the circumstances including the express wishes of the child. All information requests from, on behalf of, or concerning children – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

3. The right to erasure

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However, Stepping Stones has a legal duty to keep childrens, staff and parents details for a reasonable time (see retention of records policy).

Stepping Stones retain these records for 3 years after leaving nursery, children's accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept for 6 years after the member of leaves employment, before they can be erased. This data is archived securely and shredded after the legal retention period.

4. The right to restrict processing

Parents, visitors and staff can object to Stepping Stones processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

5. The right to data portability

Stepping Stones requires data to be transferred from one IT system to another; such as from Stepping Stones to the Local Authority. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

6. The right to object

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

7. The right not to be subject to automated decision-making including profiling.

Automated decisions and profiling are used for marketing based organisations, however Stepping Stones does not use personal data for such purposes.

Storage and use of personal information

- All paper copies of children's and staff records are kept in a locked office and kept in a locked filing cabinet. Members of staff can have access to these files but information taken from the files about individual children is confidential and apart from archiving, these records remain on site at all times. These records are shredded after the retention period.

- Information about individual children are used in certain documents, such as, a weekly register, medication forms, referrals to external agencies and disclosure forms. These documents include data such as children's names, date of birth and sometimes address. These records are shredded after the relevant retention period.
- Information regarding families' involvement with other agencies is stored both electronically on an external hard drive and in paper format, this information is kept in a locked office and in a locked filing cabinet. These records are shredded after the relevant retention period.
- Upon a child leaving Stepping Stones and moving on to school or moving settings, data held on the child may be shared with the receiving school. Such information will be given to the receiving school via the parent or transferred safely to the school.
- Stepping Stones collects a large amount of personal data every year including; names and addresses of those on the waiting list. These records are shredded if the child does not attend or added to the child's file and stored appropriately.
- Stepping Stones stores personal data held visually in photographs or video clips or as sound recordings, unless written consent has been obtained via our social media and or recording/photograph consent form. No names are stored with images in photo albums, displays, on the website or any of our social media pages.
- Access to our Office computers is password protected. When a member of staff leaves the company, these passwords are changed in line with this policy. Any portable data storage used to store personal data, e.g. USB memory stick, are stored in a locked filing cabinet.
- Ensuring staff, student and volunteer inductions include an awareness of the importance of the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. This includes ensuring that information about the child and family is not shared outside of the nursery other than with relevant professionals who need to know that information. It is not shared with friends and family, or part of any social discussions outside of the setting. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement in the nursery are advised of our confidentiality policy and required to respect it
- Ensuring that all staff, volunteers and students are aware that information about children and families is confidential and only for use within the nursery and to support the child's best interests with parental permission
- Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children's social care team decide this is not in the child's best interest

- Ensuring all staff are aware that this information is confidential and only for use within the nursery setting. If any of this information is requested for whatever reason, the parent's permission will always be sought other than in the safeguarding circumstances above
- Ensuring staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs
- Ensuring staff, students and volunteers are aware of and follow our social networking policy in relation to confidentiality
- Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

Why the Setting Needs To Process Personal Data

In order to carry out its ordinary duties to children and parents, the setting needs to process a wide range of personal data about individuals (including children, staff or parents) as part of its daily operation.

Some of this activity the setting will need to carry out arise to fulfil its legal rights, duties or obligations – including those under a contract with parents of its children. Other uses of personal data will be made in accordance with the setting's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The setting expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- for the purposes of children selection (and to confirm the identity of prospective children and their parents);
- to provide education services
- maintaining relationships with former children and the setting community, including direct marketing or fundraising activity;
- for the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- for the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law;
- to enable relevant authorities to monitor the setting's performance and to intervene or assist with incidents as appropriate;
- to give and receive information and references about past, current and prospective children, including relating to outstanding fees or payment history, to/from any educational institution that the children attended or where it is proposed they attend and to provide references to potential employers of past children;
- to give and receive information and references about past, current and prospective staff and to provide references to potential employers of past staff;
- to safeguard children' welfare and provide appropriate care;
- for security purposes including CCTV;

- to make use of photographic images of children in setting publications, on the setting website and (where appropriate) on the setting's social media pages.
- to carry out or cooperate with any setting or external complaints, disciplinary or investigation processes and
- where otherwise reasonably necessary for the setting's purposes, including to obtain appropriate professional advice and insurance for the setting.

In addition, the setting will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- to safeguard children' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so, for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of setting trips who need to be made aware of dietary or medical needs;
- to provide educational services in the context of any special educational needs of a child;
- in connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- as part of any setting or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- for legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

All Staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address, bank details, medical records etc.
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed
 - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - If there has been a data breach
 - Whenever they are engaging in a new activity that may affect the privacy rights of individuals

- If they need help with any contracts or sharing personal data with third parties

Types of personal data processed

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents who pay fees to the setting;
- past, present and prospective children' academic, admissions and attendance records (including information about any special needs), and learning journeys;
- personnel files, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the setting about children, and relevant information provided by previous educational establishments and/or other professionals or organisations working with children;
- correspondence with and concerning staff, children and parents past and present and images of children (and occasionally other individuals) engaging in setting activities

How The Setting Collects Data

Generally, the setting receives personal data from the individual directly (including, in the case of children, from their parents). This may be via a form, or simply in the ordinary course of interaction/communication (such as email or written assessments). However in some cases personal data will be supplied by third parties (for example another setting, or other professionals or authorities working with that individual); or collected from publicly available resources.

Who Has Access To Personal Data And Who The Setting Shares Data With

Occasionally, the setting will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority) and
- appropriate regulatory bodies. For the most part, personal data collected by the setting will remain within the setting, and will be processed by appropriate individuals

Particularly strict rules of access apply in the context of:

- medical records and
- pastoral or safeguarding files.

However, a certain amount of any SEN children's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the child requires. In accordance with Data Protection Law, some of the setting's processing activity is carried out on its behalf by third parties. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the setting's specific directions.

Staff, children and parents are reminded that the setting is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO, police, OFSTED or RIDDOR. For further information about this, please view the setting's Safeguarding & Child Protection Policy.

How Long We Keep Personal Data

The setting will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. The setting has a Retention of Records Policy which outlines the typical time frames for which records are kept. However, incident reports and safeguarding files may be kept indefinitely, in accordance with specific legal requirements.

If you have any queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Setting's Privacy Officer. However, please bear in mind that the setting will often have lawful and necessary reasons to hold on to some personal data even following such request. A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

Keeping In Touch And Supporting The Setting

The setting and/or any relevant other organisation will use the contact details of parents, alumni and other members of the setting community to keep them updated about the activities of the setting, or alumni and parent events of interest, including by sending updates and newsletters, by email, social media and by post. Unless the relevant individual objects, the setting will also:

- share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the setting community;
- contact parents and/or alumni by post, social media and email to promote and raise funds for the setting or for other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Setting's Privacy Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the setting is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that address, email or telephone number).

Consent

Where the setting is relying on consent as a means to process personal data, any person may withdraw this consent at any time. Please be aware however that the setting may not be relying on consent but have another lawful reason to process the personal data in question even without your consent. That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of

contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni).

Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the setting will often rely on parental authority or notice for the necessary ways it processes personal data relating to children.

Data Accuracy and Security

The setting will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Setting Office of any significant changes to important information, such as contact details, held about them. An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the setting may need to process your data, and of whom you may contact if you disagree. The setting will take appropriate technical and organisational steps to ensure the security of personal data about individuals, and access to setting systems.

This Privacy Notice

The setting will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

Queries And Complaints

Any comments or queries on this policy should be directed to the setting's Privacy Officer via steppingstones.hillingdon@gmail.com or by telephone to 01895 238 007. If an individual believes that the setting has not complied with this Privacy Notice or acted otherwise than in accordance with Data Protection Law, they should notify the setting's Privacy Officer and try to solve the query or complaint with the officer. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the setting before involving the regulator.