

Privacy Notice Policy & Procedure



Policy Statement

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Who are we?

Goldilocks Nursery collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the **UK General Data Protection Regulation (UK GDPR)**, tailored by the **Data Protection Act 2018**, which applies in the United Kingdom. We are responsible as the 'controller' of that personal information for the purposes of those laws.

The personal information we collect and use

Information collected by us

During the course of providing education and care we collect the following personal information when you provide it to us:

- Personal information (such as name, date of birth, gender, home address and postcode)
- Special category characteristics (such as special educational needs (SEN) information, ethnicity, relevant medical information)
- Parents/Carers Information (such as name, date of birth, National Insurance or National Asylum Support Service Number)
- Financial eligibility information (such as 30 hours codes)
- Attendance information (such as sessions attended, number of absences and absence reasons)

We also obtain personal information from other sources as follows:

- KCC
- SEN
- Health Visitors
- Social Services
- Healthcare professionals

How we use your personal information

We use your personal information to:

- Check and calculate free entitlement
- Provide appropriate pastoral care and support services to children
- Provide funding
- Provide advice, support and guidance to the setting
- Enable financial and policy compliance checks of the setting
- Assess and improve the quality of our services
- Comply with the law regarding data sharing
- Safeguard children

How long your personal data will be kept

We will hold financial information securely and retain it for 7 years, after which the information is archived or securely destroyed.

We will hold your personal information securely and retain it from the child /young person's date of birth until they reach the age of 25, after which the information is archived or securely destroyed. This is in line with Department for Education guidance and potential legal claims under child protection or care proceedings.

Reasons we can collect and use your personal information

We collect and use personal information to comply with our legal obligations under section 537A of the Education Act 1996, section 83 of the Children Act 1989, and to carry out tasks in the public interest.

If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest where the processing is necessary, including safeguarding of children and equality of opportunity or treatment. This is done under Article 9(2)(g) of the UK GDPR and Schedule 1, Part 2 of the Data Protection Act 2018.”

Who we share your personal information with

- Department for Education (DfE) (statutory for early years funding and policy monitoring)
- Kent County Council Management Information & Finance (to provide funding)
- Other local authorities, or other early years settings, to resolve duplicate claims and funding queries
- Kent County Council teams working to improve outcomes for children and young people
- Commissioned providers of local authority services (such as education services)
- Local multi-agency forums which provide SEND advice, support and guidance.
- Schools that you attend after leaving us
- Partner organisations signed up to the Kent & Medway Information Sharing Agreement, where necessary, which may include Police, school nurses, doctors and mental health workers and Kent Community Health NHS Foundation Trust
- Contracted providers of services (such as external photographers and catering providers) **where consent has been given**

All third-party service providers acting on our behalf are bound by data processing agreements and are required to take appropriate security measures. They may only act on our instructions and are not allowed to use personal data for their own purposes.

We will share personal information with law enforcement or other authorities if required by applicable law.

The National Pupil Database (NPD)

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

The NPD is owned and managed by the DfE and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the DfE. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

The DfE may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis

- producing statistics
- providing information, advice or guidance

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

Your Rights

Under the UK GDPR you have rights which you can exercise free of charge which allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you (Subject Access Request)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioner's Office
- Withdraw consent (if applicable)

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

Where children are mature enough (usually aged 13 or above), they may also exercise their own data rights.

We do not rely on consent as the legal basis for most of our data processing. Where consent is required (e.g., for photography), it will be sought separately and can be withdrawn at any time.

If you make a Subject Access Request, we will respond within **one month** of receiving your request and may ask you for proof of identity to confirm your request.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under the UK General Data Protection Regulation.

If you would like to exercise a right, please contact **Jamelia (Cemaliye) Osman, Jamelia@goldilocksnurseries.co.uk**

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who to Contact and Where to go for Further Information

Please contact **Jamelia (Cemaliye) Osman** to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

If you would like to get a copy of the information about you that KCC shares with the DfE or how they use your information, please contact the **Information Resilience and Transparency Team** at data.protection@kent.gov.uk

For more information about services for young children, please go to:

<http://www.kent.gov.uk/education-and-children/childcare-and-pre-school>

or the KCC website at www.kent.gov.uk

The General Data Protection Regulation also gives you the right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at:

<https://ico.org.uk/concerns> or telephone 0303 123 1113.

For further information visit:

<https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>

For further information about how the Department for Education uses your information:

- Early Years Census: <https://www.gov.uk/guidance/early-years-census>
- National Pupil Database: <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>
- DfE data sharing process: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>
- Organisations DfE has shared with: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>
- Contact DfE: <https://www.gov.uk/contact-dfe>