
PRIVACY NOTICE

WHO WE ARE

Millington Road Nursery is a registered charity set up in 2005 and provides a nursery school education to children aged between 2 - 7 years old.

The General Data Protection Regulation (effective across the UK from 25 May 2018 and to continue regardless of the UK's position in the European Union) is the biggest change to data protection law in 20 years. One of its core tenets is "transparency", meaning an emphasis on how data controllers tell data subjects how they use their personal data, in clear language. This Privacy Notice covers uses of staff and past pupils' data as well as that of parents and pupils, but only in general terms.

WHAT THIS PRIVACY NOTICE IS FOR

This Privacy Notice is intended to provide information about how the nursery will use (or "process") personal data and gives individuals rights to understand how their data is used. Staff and parents are all encouraged to read this Privacy Notice and understand the nursery's obligations to its entire community.

This Privacy Notice applies alongside any other information the nursery may provide about a particular use of personal data, for example when collecting data via an online or paper form. This Privacy Notice also applies in addition to the nursery's other relevant terms and conditions and policies, including any contract between the nursery and its staff or the parents of pupils; the nursery's policy on taking, storing and using images of children; the nursery's safeguarding or health and safety policies, including as to how concerns or incidents are recorded. Anyone who works for, or acts on behalf of, the nursery (including staff, volunteers, contractors and trustees) should also be aware of and comply with this Privacy Notice [the nursery's data protection policy for staff], which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The Nursery has appointed the Nursery Principal as responsible for Data Protection, dealing with all requests and enquiries concerning the nursery's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. She can be contacted via mary@millingtonroadnursery.co.uk or via the nursery office.

WHY THE NURSERY NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the nursery needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation. Some of this activity the nursery will need to carry out in order to fulfil its legal rights, duties or obligations - including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the nursery'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 nursery expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services and monitoring pupils' progress and educational needs;
- Maintaining relationships with past pupils and the nursery community;

- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis).
- To enable relevant authorities to monitor the nursery's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the student attended or where it is proposed they attend;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the nursery's IT and communications systems;
- To make use of photographic images of pupils in nursery publications, on the nursery website in accordance with the nursery's policy on taking, storing and using images of children, subject to permission given by parents;
- To carry out or cooperate with any Nursery or external complaints, disciplinary or investigation process; and where otherwise reasonably necessary for the nursery's purposes, including to obtain appropriate professional advice and insurance for the nursery.

In addition, the nursery will on occasion need to process special category personal data (concerning health) 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 pupils' 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 nursery 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 student;
- In connection with employment of its staff or contractors, for example DBS checks, welfare, union membership or pension plans;
- As part of any Nursery or external complaints, disciplinary or investigation process that involves such data, for example if there are special educational needs, health or safeguarding elements; or
- For legal and regulatory purposes (for example safeguarding and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE NURSERY

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (for those with parking permits);
- biometric information, which will be collected and used by the nursery e.g. Passport and visa documentation, etc;
- bank details for employee wages, payments and parent refunds
- other financial information, e.g. parents bursary forms;
- past, present and prospective pupils' admissions records and progress checks (including information about any special educational needs or disabilities (SEND));
- personnel files, including in connections with 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 nursery about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present;
- images of pupils (and occasionally other individuals) engaging in nursery activities (in accordance with the nursery's policy on taking, storing and using images of children).

HOW THE NURSERY COLLECTS DATA

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

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE NURSERY SHARES IT WITH

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

- professional advisers (e.g. payroll, HR advice, lawyers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies (e.g. local authority (special educational needs and disabilities), OFSTED, the Charity Commission or the Information Commissioner).

For the most part, personal data collected by the nursery will remain within the nursery and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records [held and accessed only by the nursery Principal and appropriate senior staff, or otherwise in accordance with express consent]; and
- pastoral or safeguarding files.

However, a certain amount of any SEND student's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student requires.

Staff, pupils and parents are reminded that the nursery 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 or police. For further information about this, please view the nursery's Safeguarding Policy.

When a child leaves the nursery any child protection records are delivered to their next setting and copies are not kept unless this information is relevant to other children expected to attend e.g. a sibling.

Finally, in accordance with Data Protection Law, some of the nursery's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the nursery's specific directions.

HOW LONG WE KEEP PERSONAL DATA

The nursery will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil files is up to 7 years following departure from the nursery, except registration forms which may be kept since the nursery's incorporation. Safeguarding files will be transferred to the child's next educational establishment.

If you have any specific 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 us via mary@millingtonroadnursery.co.uk. However, please bear in mind that the nursery will often have lawful 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 NURSERY

The nursery will use the contact details of parents, ex-pupils and other members of the nursery community to keep them updated about the activities of the nursery, or ex-pupils and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the nursery will also:

- Share personal data about parents and pupils, with other organisations as appropriate;
- Contact parents and/or ex-pupils by post and email in order to promote and raise funds for the nursery.

Should you wish to limit or object to any such use, or would like further information about them, please contact mary@millingtonroadnursery.co.uk. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising communications. However, the nursery is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the nursery, and in some cases ask for it to be erased or amended or have it transferred to others, or for the nursery to stop processing it, but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Nursery Principal. The nursery will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month (unless over the holiday period) in the case of requests for access to information. The nursery 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 nursery may ask you to reconsider or require a proportionate fee, but only where Data Protection Law allows it.

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations - please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the Nursery, or documents prepared in connection with a legal action). You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it

falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

PARENT REQUESTS

Parents will in general receive educational and pastoral updates about their children, in accordance with the nursery registration form. Where parents are separated, the nursery will 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 pupils - whether made under subject access or simply as an incidental request - will therefore be considered on a case by case basis.

CONSENT

Where the nursery is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are e.g. biometrics, certain types of uses of images. Please be aware however that the nursery 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 or parents' association has been requested).

WHOSE RIGHTS

The rights under Data Protection Law belong to the individual to whom the data relates. However, the nursery will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils for example, in the registration form. Parents and pupils should be aware that this is not necessarily the same as the Nursery relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate - given the nature of the processing in question, and the pupil's age and understanding, - to seek the pupil's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the nursery will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about their child's activities, progress and behaviour, and in the interests of the pupil's welfare. That is, unless, in the nursery's opinion, there is a good reason to do otherwise. Staff are required to respect the personal data and privacy of others, and to comply with the nursery rules.

DATA ACCURACY AND SECURITY

The nursery 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 us 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 nursery may need to process your data, of who you may contact if you disagree. The nursery will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to nursery systems. All staff and trustees will be made aware of this policy and their duties under Data Protection Law and receive relevant training, if necessary.



THIS POLICY

The nursery 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 Nursery Principal by email at mary@millingtonroadnursery.co.uk. If an individual believes that the nursery has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the nursery [complaints / grievance] procedure and should also notify the Finance and Operations Director. 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 nursery before involving the regulator.

May 2018