

CLARKSTON NURSERY DATA POLICY & PRIVACY NOTICE (CHILDREN)

This document sets out the Nursery's policy on the protection of information relating children who attend the Nursery (and to a lesser extent their parents/carers, emergency contacts and members of the parent committee). Protecting the confidentiality and integrity of personal data is a critical responsibility that the Nursery takes seriously at all times. The Nursery will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the General Data Protection Regulation (GDPR).

KEY DEFINITIONS

Data processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Personal data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers the Nursery possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Sensitive personal data

Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

PRIVACY NOTICE

This policy, together with the information contained in the table of children's data appended to the policy, constitutes a privacy notice setting out the information the Nursery holds about children who attend the Nursery, the purpose for which this data is held and the lawful basis on which it is held. The Nursery may process personal information without parents/carers' knowledge or consent, in compliance with this policy, where this is required or permitted by law.

If the purpose for processing any piece of data about children should change, the Nursery will update the table of children's data with the new purpose and the lawful basis for processing the data and will notify parents/carers.

FAIR PROCESSING OF DATA

Fair processing principles

In processing personal data the following principles will be adhered to. Personal data will be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to specific purposes and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the specified purposes; and
- Kept securely.

Lawful processing of personal data

Personal information will only be processed when there is a lawful basis for doing so. Most commonly, the Nursery will use personal information in the following circumstances:

- when it is needed to perform the contract that the Nursery has with parents/carers regarding the care and education of their children;
- when it is needed to comply with a legal obligation; or
- when it is necessary for the Nursery's legitimate interests (or those of a third party) and children's interests and fundamental rights do not override those interests.

The Nursery may also use personal information in the following situations, which are likely to be rare:

- when it is necessary to protect children's interests (or someone else's interests); or
- when it is necessary in the public interest.

Lawful processing of sensitive personal data

The Nursery may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent of parents/carers;
- in order to meet legal obligations;
- when it is needed in the public interest; or

The Nursery may use particularly sensitive personal information in the following ways:

- The Nursery may use information about a child's health and allergies to be able to provide appropriate day-to-day and emergency care to the child and to administer medication in accordance with parents'/carers' instructions.

- The Nursery may use information about a child's special educational needs (which could include health information) to provide appropriate care, education and support to the child.
- The Nursery may use information about a child's religion/cultural requirements so that it can be mindful and respectful of those religious/cultural requirements when providing care and education to the child.

Consent to data processing

The Nursery does not require consent from parents/carers to process most types of children's data. If a parent/carer fails to provide certain information when requested, the Nursery may not be able to perform the contract entered into with the parent/carer regarding the care and education of the child. The Nursery may also be prevented from complying with legal obligations (such as to ensure the health and safety of children).

Where parents/carers have provided consent to the collection, processing and transfer of personal information for a specific purpose, for example, for photographs of children to be taken and used, they have the right to withdraw consent for that specific processing at any time. Once the Nursery has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

Automated decision making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention.

The Nursery does not envisage that any decisions will be taken about children using automated means, however, parents/carers will be notified if this position changes.

COLLECTION AND RETENTION OF DATA

Collection of data

The Nursery will collect personal information about children from parents/carers through the registration and induction process. The Nursery may sometimes obtain or come into contact with additional information about children from third parties including specialist agencies such as speech and language and education psychology.

The table of children's data appended to this policy relates to information which is collected at the outset of a child's time at the Nursery. From time to time, the Nursery may collect additional personal information in the course of providing care and education to children. If the Nursery requires to obtain additional personal information, this policy will be updated or parents/carers will receive a separate privacy notice setting out the purpose and lawful basis for processing the data.

Retention of data

The Nursery will only retain children's personal information for as long as necessary to fulfil the purposes it was collected it for, including for the purposes of satisfying any legal, regulatory or reporting requirements. Details of retention periods for different aspects of personal information are set out in the table of children's data appended to this policy. Most categories of children's data will be securely destroyed within three months of the child leaving Nursery.

DATA SECURITY AND SHARING

Data security

The Nursery has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are available upon request. Access to personal information is limited to those staff members, agents, contractors and other third parties who have a business need to know. They will only process personal information on the Nursery's instructions and are subject to a duty of confidentiality.

Data sharing

Where possible, the Nursery requires third parties to respect the security of children's data and to treat it in accordance with the law. The Nursery may share personal information about children with third parties, for example, with:

- Our regulators (including the SSSC, Care Inspectorate and Education Scotland);
- East Renfrewshire Council Education Department (as a funder);
- Specialist agencies e.g. speech and language and education psychology;
- The primary school that a child will attend following their time at the Nursery; and
- East Renfrewshire Social Work Department and/or and the police in the event of concerns regarding a child's welfare.

The Nursery's parent committee will also have some access to information about children.

DATA SUBJECT RIGHTS AND OBLIGATIONS

Accuracy of data

The Nursery will conduct regular reviews of the information held by it to ensure the relevancy of the information it holds. Parents/carers should inform the Nursery of any changes to the data that is held regarding their child. Where a parent/carer has concerns regarding the accuracy of personal data held by the Nursery, they should contact the Manager to request an amendment to the data.

Data subject rights

Under certain circumstances, parents/carers can exercise the following rights on behalf of their child:

- **Request access** to personal information (commonly known as a “data subject access request”).
- **Request erasure** of personal information.
- **Object to processing** of personal information where the Nursery is relying on a legitimate interest (or those of a third party) to lawfully process it.
- **Request the restriction of processing** of personal information.
- **Request the transfer** of personal information to another party.

If a parent/carer wishes to make a request on behalf of their child on any of the above grounds, they should contact the Manager in writing. Please note that, depending on the nature of the request, the Nursery may have good grounds for refusing to comply. If that is the case, the parent/carer will be given an explanation by the Nursery.

Data subject access requests

Parents/carers will not normally have to pay a fee to access their child’s personal information (or to exercise any of the other rights). However, the Nursery may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, the Nursery may refuse to comply with the request in such circumstances.

The Nursery may need to request specific information from the parent/carer to help confirm their/their child’s identity and ensure the right to access the information (or to exercise any of the 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.

COMPLIANCE WITH THIS POLICY

The Nursery’s responsibility for compliance

The Manager is tasked with overseeing compliance with this policy. If parents/carers have any questions about this policy or how the Nursery handles personal information, they should contact the Manager. Parents/carers have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues.

Data security breaches

The Nursery has put in place procedures to deal with any data security breach and will notify parents/carers and any applicable regulator of a suspected breach

where legally required to do so. Details of these measures are available upon request.

Privacy by design

The Nursery will have regard to the principles of this policy and relevant legislation when designing or implementing new systems or processes (known as “privacy by design”).

COMMUNICATION WITH PARENTS/CARERS, EMERGENCY CONTACTS AND INTERESTED PARTIES

The Nursery holds basic information on parents/carers and emergency contacts including their names, addresses, contact details and their relationship to the child. The information regarding parents/carers is required to enable the Nursery to contact parents/carers and to provide them with information, both on a day to day basis and in the event of an emergency. Details of emergency contacts are required to provide the Nursery with a range of “back-up” people to contact in the event of an emergency and where the child’s parents/carers are uncontactable. Before providing emergency contact details, parents/carers are required to obtain the consent of the emergency contacts.

The Nursery sends a monthly newsletter and other periodic e-mail communications containing information about news and events at the Nursery. The fundraisers of the parent committee also send periodic newsletters containing details of fundraising activity. The primary parent/carer specified on the registration form is automatically added to the list of recipients. Other parents/carers and interested parties (e.g. grandparents, childminders, nannies) can also request to receive the newsletter/e-mail communications. Newsletters and e-mail communications do not make reference to individual children.

PROCESSING OF PARENT COMMITTEE MEMBERS’ DATA

The Nursery holds basic information on parent committee members, including their names, addresses and contact details. This information is required to allow contact to be made and information to be provided to parent committee members to allow them to fulfil their roles. This information may be shared with our regulators or East Renfrewshire Council (as a funder), upon request. It is also available to the public by its inclusion in the Nursery Handbook, thus allowing parents and prospective parents to contact parent committee members with queries or concerns. The Chair of the parent committee must also undergo a PVG check to allow the fitness/suitability of the Chair to be assessed.

CHILDREN'S DATA

Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Date of birth	No	To check children meet the minimum age for attending nursery, to check when the child starts to receive funding for their nursery place from East Renfrewshire Council and to provide age-appropriate care/education to children.	Regulators / East Renfrewshire Council / parent committee	Performance of contract	N/A	Up to three months after child leaves nursery
Address	No	To check eligibility to receive funding for their nursery place from East Renfrewshire Council, to be able to contact child's parents	Regulators / East Renfrewshire Council / parent committee	Performance of contract	N/A	Up to three months after child leaves nursery
Health conditions / allergies	Yes	To be able to provide appropriate day-to-day and emergency care to the child and to administer medication in accordance with parents'/carers' instructions	Regulators / East Renfrewshire Council / parent committee	Vital interests	Vital interests	Up to three months after child leaves nursery
Performance against curriculum	No	To be track child's progress and to identify whether an individual learning plan is required	East Renfrewshire Council / specialist agencies (e.g speech therapy, educational psychology) / primary school child will attend (summative assessment)	Performance of contract	N/A	Up to three months after child leaves nursery (individual education plans will be kept for up to one year after child leaves nursery in case of queries from primary school)
Special educational needs	No	To provide appropriate education and support to the child	East Renfrewshire Council / specialist agencies (e.g speech	Performance of contract	N/A	Up to three months after child leaves nursery

			therapy, educational psychology) / primary school child will attend (summative assessment)			
Information regarding communication and language, toileting and personal preferences, e.g. method of comforting child when upset	No	To provide appropriate education and care to the child	East Renfrewshire Council / specialist agencies (e.g speech therapy, educational psychology) / primary school child will attend (summative assessment)	Performance of contract	N/A	Up to three months after child leaves nursery
Photographs	No	Photographs taken by staff are to evidence learning to parents/carers and to inspecting bodies. If parents/carers consent photos may also be used to promote news and events at the Nursery, e.g. on the Nursery's website, social media, leaflets, newspapers. Photographs by professional photographers are to provide parents/carers with the opportunity to purchase a photo of their child, individually and as part of a class	Photos taken by staff may be shared with inspecting bodies and, when displayed on the wall, are visible by any visitors to the building.	Consent	N/A	Up to three months after child leaves nursery
Religious / cultural requirements	Yes	To ensure that the Nursery can be mindful and respectful of a child's religious & cultural requirements in the care that they provide to the child	Regulators / East Renfrewshire Council / parent committee	Consent	Explicit consent	Up to three months after child leaves nursery

PARENT/CARER/EMERGENCY CONTACT DATA

Type of personal data	Sensitive data?	Purpose of processing	Potential transfer to third parties	Lawful basis for processing	Grounds for processing sensitive personal data	Retention period
Parents / carers / emergency contacts - name, contact details and relationship to child	No	To be able to contact parents/carers/emergency contacts to provide information, both on a day to day basis and in the event of an emergency	N/A	Performance of contract	N/A	Up to three months after child leaves nursery
Members of parent committee - name and contact details	No	To allow contact to be made and information to be provided to members of the parent committee to allow them to fulfil their roles	Professional advisors / regulatory bodies / East Renfrewshire Council / public	Legitimate interests	N/A	Up to three months after a member of the parent committee ceases to serve on the committee
Chairperson of parent committee - criminal convictions and offences	Yes	To allow the fitness/suitability of the Chairperson of the parent committee to be assessed	N/A	Legal obligation	Legal obligation	Up to three months