



Kingsley Explorers

How we use your child's information **Privacy notice for younger pupils**

Introduction

This notice is to help you understand **how** and **why** we collect personal data about your child and **what** we do with that information. It also explains the decisions that you can make about your child's personal data.

If you have any questions about this notice, please contact the Nursery Manager at Kingsley Explorers, Beauchamp Avenue, Royal Leamington Spa, Warwickshire, CV32 5RD. Telephone: 01926 474 320

What is "personal data"?

Personal data is information that the Nursery holds about your child and which identifies your child (either directly or indirectly).

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. CCTV images, photos and video recordings of your child are also personal data.

Where we get your child's personal data from and who we share it with

Your child's personal data comes from a number of different sources. For example, the Nursery's admissions forms, our staff, you, your child's previous nursery and any future nursery, other pupils and their parents. We might also get information from the government for example, the local authority might give us information that we need to look after your child.

We will also share information with these people and organisations.

The sections below contain further information about where we get your child's personal data from and with whom it is shared.

The purposes for which we use your child's personal data and the lawful bases

The Nursery uses your child's personal data to:

1. Care for your child and our other children;
2. Monitor the behaviour of your child and others and to take action where appropriate;
3. Look after your child and other people, for example, your child's friends;
4. Enable the Nursery to comply with its legal obligations, to assist in the management and operation of the Nursery and to advance and protect the Nursery's interests, objects and reputation; and
5. Fundraise, market and promote the nursery. For example, by using photos of our pupils in the nursery prospectus, on the nursery's website or on social media. (with consent only)

Under data protection law, the Nursery can only use personal data if it has a lawful basis for doing so. The lawful bases that we are relying on when handling your child's personal data are as follows:

- **Legitimate interests:** This means that the Nursery is using your child's personal data where this is necessary for the Nursery's legitimate interests or someone else's legitimate interests.
 - Specifically, the Nursery has a legitimate interest in:
 - educating and looking after its children;
 - complying with its agreement with you for your child to be at the Nursery;
 - investigating if something has gone wrong; and

- protecting, promoting and improving the Nursery.
- This lawful basis only applies where our legitimate interests are not overridden by your child's interests, rights and freedoms. Legitimate interests applies to all of the 5 purposes listed above.
- **Public task:** This allows the Nursery to use personal data where doing so is necessary in order to perform a task in the public interest or to exercise one of our functions or powers as a nursery. This basis applies to purposes 1, 2, 3 and 4 above. For example, when we look after your child.
- **Legal obligation:** The Nursery might need to use your child's personal data in order to comply with a legal obligation. For example, to report a safeguarding concern to Children's Services. Occasionally the Nursery may have a legal obligation to share your child's personal data with third parties such as the court.
- **Vital interests:** In limited circumstances we may use your child's personal data to protect your child's vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed.

Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your child's personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what's set out above but goes into more detail.

We have used a colour coded system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 57 below. **LI** means legitimate interests, **PI** means public task, **LO** means legal obligation and **EM** means vital interests. So **(LI, PI)** means that we are relying on both legitimate interests and public task for that purpose.

- 1 Our main reason for using your child's information is to provide your child and other children with a safe, nurturing, and educational environment that supports a child's early development **(LI, PI)**.
- 2 The Nursery will also use your child's personal data to safeguard and promote your child's welfare and the welfare of others for example, so that we can look after your child if they are hurt **(LI, PI, EM)**.
- 3 We will use information about your child during the admissions process, for example, considering any information provided on the registration and confidential information form **(LI, PI)**.
- 4 The admissions forms which you complete give us personal data about your child, such as, their name, contact details, disabilities, learning disabilities, any particular difficulties they have with work, hobbies and interests, medical information (such as information about an allergy) and their family circumstances **(LI, PI)**.
- 5 Sometimes we get information from your child's doctor and other professionals where we need this to look after your child **(LI, PI)**.
- 6 We need to tell all appropriate members of staff if your child has a health issue and use their medical information to look after them **(LI, PI)**.
- 7 We will tell your child's carers if he or she has special educational needs or requires extra help with some tasks **(LI, PI)**.

- 8 We will need to share information about your child for example, about their health and wellbeing) with a doctor (LI, PI, EM).
- 9 If we have information that your child suffers from an allergy, we will use this information so that we can look after your child (LI, PI, EM).
- 10 If we have information that your child has a disability, we will use information about that disability to provide support for your child, adjust our policies and take it into account when we make decisions (LI, PI).
- 11 Where appropriate, the Nursery will have information about your child's religious beliefs or other beliefs and practices. For example, if your child does not eat certain foods (LI, PI).
- 12 We will also hold information such as ethnic group for the purposes of for the purposes of substantial public interest category. (LI, PI).
- 13 We use CCTV to make sure the Nursery site is safe. Images captured of your child via CCTV will be your child's personal data. CCTV is not used in private areas such as changing rooms (LI, PI).
- 14 We will use your child's personal data to take other steps to make sure the nursery site and buildings are safe, for example, we keep a record of who is on the nursery site / sites] at any given time (LI, PI).
- 15 We may share information about your child with (and get information from) health authorities, providers of healthcare services and healthcare professionals, for example, in relation to pupil immunisations (LI, PI).
- 16 We record your child's attendance and if he or she has time away from the Nursery we record the reason(s) why (LI, PI).
- 17 We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the Nursery (LI, LO).
- 18 When we are inspected by Ofsted we will have to make your child's personal data available to the inspectors to assist them with their inspection (LI, LO, PI).
- 19 If the Nursery receives a complaint or grievance that involves your child, we will need to use their personal data to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child (LI, PI).
- 20 The Nursery may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan (LI, PI, LO).
- 21 We may use your child's personal data in connection with legal disputes (LI, PI, LO).
- 22 We will need information about any court proceedings, court orders or criminal petitions that relate to your child. This is so that we can safeguard your child's welfare and wellbeing as well as other pupils at the Nursery (LI, PI).
- 23 We may need to share information with the police (and/or other law enforcement agencies) and/or our legal advisers if something goes wrong or to help with an inquiry.

For example, if one of your child's peers is injured at nursery or if there is a burglary (LI, LO, PI).

- 24 We use consultants, experts and other advisors to assist the Nursery in fulfilling its obligations and to help run the Nursery properly. We will share your child's information with them if this is relevant to their work (LI, PI).
- 25 We may share some information with our insurance company and their representatives to make sure that we have the insurance cover that we need or in connection with an actual or possible claim (LI, PI).
- 26 If the Nursery is dealing with a request for information, query, complaint or grievance for example, from a parent), we may need to share your child's information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and governors (LI, PI).
- 27 If a staff member is subject to an internal disciplinary case and this has affected your child, we may need to use your personal child's personal data to investigate. We may also need to share your child's personal data with the government and regulators if they become involved for example, if they need to decide regarding the teacher's ability to teach (LI, PI, LO).
- 28 We will use information about your child's gender and sex to provide appropriate support and to help us to meet your child's needs. (LI, LO, PI).

Photos and Videos

- 29 If we take a photo or video of your child, we might put this on our website, on our social media page(s) and in our prospectus. We do this to show prospective pupils and parents what we do here and to advertise the Nursery, we will only do this if we have received consent to do so (LI).
- 30 We will continue to use these photos and videos after your child has left the Nursery (LI, PI).
- 31 Sometimes we use photos and videos for teaching purposes, for example, to record an observation (LI, PI).
- 32 If you have any concerns about us using photos or videos of your child please speak to the Nursery Manager.
- 33 The Nursery must make sure that its computer systems are working well and are secure. This may involve information about your child for example, our anti-virus software might scan files containing information about your child (LI).
- 34 Some of the records the Nursery keeps and which contain your child's personal data may be used by the Nursery (or by someone else such as the government) to check that the Nursery has been a good nursery (LI, PI).
- 35 We also keep some information indefinitely for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes.
 - 35.1 For example, we keep some old photos so that we have a record of what the Nursery was like in the past.

- 35.2 Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws (LI, PI).

We will only share your child's personal data with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using your child's personal data.

We use service providers to handle personal data on our behalf for the following purposes:

- a) IT consultants who might access information about you when checking the security of our IT network;
- b) caterers may have information about any food allergies or intolerances that your child has;
- c0 we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the Nursery site.

We may share your child's personal data with any of the representatives or advisors of any of the third parties mentioned above.

If you have any questions about any of the above, please speak to the Nursery Manager.

Consent

For how long do we keep your child's information?

We keep your child's personal data for as long as we need to in order to look after them. We may keep information after your child has left the Nursery for example, so that we can find out what happened if you make a complaint.

In some cases, we may keep your child's personal data for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

What decisions can you make about your child's personal data?

- **Correction:** if personal data held by the Nursery about your child is incorrect or incomplete you can ask us to correct it.
- **Access:** you can also ask what personal data we hold about your child and to be provided with a copy. This is commonly known as a subject access request. We will also give you extra information, such as why we use this personal data about your child, where it came from and who we have sent it to.
- **Deletion:** you can ask us to delete the personal data that we hold about your child in certain circumstances for example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's personal data to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** you can request that we restrict how we use your child's personal data in certain circumstances. Please contact your child's form teacher if you would like to know more.
- **Object:** you may object to us using your child's personal data where:
 - we are using it for direct marketing purposes for example, to send you an email about a fundraising opportunity;

- our lawful basis is either legitimate interests or public task. Please see the section "The purposes for which we use your child's personal data and the lawful bases" above; and
- we never use your child's personal data for scientific or historical research purposes or statistical purposes.

The Nursery Manager can give you more information about your child's data protection rights. Please note that these rights don't apply in all cases and we won't always have to comply with your request.

Further information and guidance

Like other organisations we need to keep your child's personal data safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the personal data we get fairly.

Please speak to the Nursery Manager if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you have any concerns about how your child's personal data is used or shared.

If you or your child fails to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and other children we care for). Failing to provide information may also adversely affect the care we are able to provide to your child.

You have a right to make a complaint to the Information Commissioner's Office (ico.org.uk). If you do have any concerns about how we have handled your child's personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.