

Brentwood Day Nursery GDPR

Privacy Notice and General Data Protection Regulation

The nursery is required to obtain and process personal and sometimes sensitive information about children and families as part of its registration process for childcare services. Our procedures for retaining information is set by the GDPR (General Data Protection Regulation 2018). This privacy notice includes the following information:

What information is being collected?

Brentwood Day Nursery, Brentwood, Essex, records the child's date of birth, child's full name, place of birth, full name of parents/guardian with whom the child lives and does not live (if the child has been fostered or adopted then we would obtain full legal information), birth certificate number, address, gender, ethnicity, cultural background, nationality, religion, first language, parents/guardian emergency contact details, other emergency contact details (such as grandparent etc) dietary requirements, allergies, specific needs, medical needs or disabilities, Educational healthcare plan (EHCP), long term medication required, permanent birth (or other) markings, doctors, dentists and health visitor contact details, record of immunisations, development records, observation records, record of accidents, incidents (including any disclosures made by a child), medical and sickness, personal relation information (such as a parent who has specific needs or a parent who has not been granted access), children's shared information record, outside professional contacts (including reports on that child). We do not ask for nor record personal bank account information of any child or parent. The registration form asks for consent for each of these data categories. All parents have the right to consent and object to different communication methods, direct marketing etc.

Personal data is automatically processed within the Essex County Council portal when we apply for termly funding. This system is highly secure requiring a course of passwords and security checks.

Personal data is automatically processed within the Tapestry application, to update developmental records on all children.

The nursery does not hold records where data is automatically processed.

However parents do have a right to refuse automated decision making and profiling, this may affect relevant future funding and agency intervention.

Who is collecting it?

Staff at Brentwood Day Nursery. Rachel Austin and Claire Holdgate are responsible for implementing the GDPR requirements. On occasions, we may be asked by external companies such as Essex Children's services to record certain information relating to their health and education.

How is it collected and how is it stored?

Information is collected from parents/carers, it is recorded on the forms (hard paper copy) given to parents/carers when a child starts the nursery. Some information may also come from other settings, external professionals, health and social care/services, confidential information about a child will be sent via Egress, a highly secure encrypted software that delivers information electronically. All hard copy information recorded on registration forms and individual children's records, are kept in a locked filing cabinet, in a locked cupboard, (keys are kept in the safe) which is accessed by senior staff members and other staff members (under supervision) when authorised on specific occasions. All discussions, formally or informally, that have information that we feel should be recorded will be logged on a child's individual shared information document, we may make reference to these records should something arise. We also document when a child is away from the setting (for any reason), so that we may oversee consistent absence (see our safeguarding policy for consistent absence procedures). Information is recorded by the individual member of staff who was involved but will be authorised by the manager and deputy manager.

Should information be shared in error, we will be able to refer to our records so that this can be corrected.

Photos and videos of children are not saved on to any device, once the photo has been uploaded to Facebook or Tapestry, it is deleted permanently

The purpose and legal basis for collecting the data

To ensure that your child is entitled to a place at the setting and that the setting receives the statutory funding which it is eligible for and so that we are able to provide the relevant care and education for that child. We have a legal duty to ensure that your child is entitled to a place at the setting and that the setting receives the statutory funding which it is eligible for and so that we are able to provide the relevant care and education for that child. This is a statutory requirement and part of the OFSTED regulations.

How will it be used?

The information kept is to support development, monitor progress and provide appropriate care for each child in our nursery. It is also used when applying for additional funding

Who will it be shared with?

We are required by law to pass some information to Essex County Council as the Local Authority (LA), and the Department for Education (DfE) through the Free Early Education Entitlement headcount and annual Early Years Census. Any professionals working with that child and family will also have access to certain information (this will only be passed on where prior consent has been obtained). We may also share information, where necessary with Essex Health and Social care services and also OFSTED. If your child attends another nursery or pre school we may be required to share information with them. Information may also be shared with the primary school that your child attends

Right to access information and request of data processing termination

Every parent has the right to view their child's folder and records that we hold on that child. If you wish to view this information, please speak to Rachel Austin and we would supply this information within one month of asking. We will keep a record of when an individual requests to view personal data and the outcome of that request; it will be recorded in their individual personal file and within an electronic record log. When a parent requests access to information being held on their child or asks for information processed on that child to be terminated, we will consider the following:

- the nature of the personal data; any court orders relating to parental access or responsibility that may apply; any duty of confidence owed to the child or young person; any consequences of allowing those with parental responsibility access to the child's or young person's information. this is particularly important if there have been allegations of abuse or ill treatment; any detriment to the child or young person if individuals with parental responsibility cannot access this information.
- should a parent ask us to delete information or terminate processing information on that child, we will view the information and where we feel we must fulfil our safeguarding duty, we would make a managerial decision on how this would affect the child and if necessary we would seek advice from Children's and families hub or OFSTED.

Upon viewing of the records, if you feel that any data is incorrect, and upon our review and agreement, we will update our records with the relevant information within one week of asking.

Having reached an agreement for the requester to view the information, to stop processing information or to delete any information, this will be done within one month of the agreement date and it will be recorded in their individual personal file and within the electronic record log.

Withdrawing consent

Individuals have a right to withdraw their consent at any time. If you withdraw your consent, this does not affect the lawfulness of the processing up to that point. The processing of data will stop immediately and in some cases we will aim to identify another lawful basis for recording and continuing to process that information if we feel that the information is vital to the development of your child. We require the individual to complete our 'withdrawing consent' form stating the reasons for doing so and the particular consent they are withdrawing from. In accordance to the ICO terms and conditions on 'Consent', we have a lawful basis to share information without your prior consent, under the lawful basis 'vital interest' rule where we feel that processing that data is necessary to protect someone's life or safety of that individual. Any withdrawal request will be recorded in their individual personal file and within the electronic record log.

Data retention

We provide childcare for returning children up to the age of 8 years old (up to the day of their 8th birthday). We do have many returning children in the school holidays. For this reason we retain all children's records until their 9th birthday. At this point, all information is destroyed, although for child protection purposes, all children's accident and incident reports (including any shared information regarding a child's health and wellbeing) (electronic and hard copy) are kept for 21 years or in the case of a child who is on the child protection register, the records will be kept for 24 years (we will also back up a child's Tapestry account for any child that is involved with social services). Hard copies of records for every current child are kept in a secure locked cabinet, all keys are kept in the safe (only the management team have access to the safe).

Once a child has left the nursery to go to primary school, all their documents are scanned and held electronically on an encrypted folder on the nursery laptop. All files are password protected. We have a password protected database which is used to record when their details are scanned, and hard copies destroyed, so that we are able to accurately record when data can be destroyed or deleted according to the data retention periods. The database includes information such as date of birth, start date and leave date and when their data can be destroyed. Deletion of hard copies involves shredding and we use the McAfee shredder to delete all electronic documents.

What will be the effect of this on the individuals concerned?

All the information obtained will be used to help support that child in all aspects of their education, health and welfare

Is the intended use likely to cause individuals to object or complain?

Some of the information may be personal, or may be specific to that child, a parent may object to the nursery sharing the information with professionals such as speech and language (consent must be given first). However where we feel a child is at an immediate potential risk, and we feel we must fulfil our safeguarding duty, we would make a managerial decision on whether to pass on this information to the Children's and families hub or the police. If you are not happy with our data handling procedures, we would ask you to contact us in the first instance, so that we may have the opportunity to resolve any issues. However, you have the right to complain further to the Information Commissioners Office (ICO) if you think there is a problem with the way we are handling the data

Your consent is given at the end of this form, to which you agree to the conditions set out in our privacy notice and our lawful basis for recording this information