

PRIVACY NOTICE

LITTLE WILLOWS PRE-SCHOOL

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Who are we?

Little Willows Pre-School is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Little Willows Pre-Schools is registered as the Data Controller with the Information Commissioner's Office (ICO) ; Registration Number: ZA007537

You can contact the school as the Data Controller in writing at:

Little Willows Pre-School, Whitnash Primary School, Langley Road, Whitnash, Leamington Spa, Warwickshire CV31 2EX.

What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our children and parents.

What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information relates to personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What Personal information do we process about children and parents?

The child and parent information that we collect, hold and share includes:

- Personal information including a child's name, date of birth, and home address
- Characteristics such as ethnicity, language, nationality and country of birth
- Attendance information such as sessions attended, number of absences and absence reasons
- Educational information including records of progress, assessment results, relevant medical information, details of child's special educational needs
- Contact information for parents, carers and other relatives, including telephone numbers, home addresses and e-mail addresses
- Information about a child's home life, where required as part of necessary safeguarding and welfare processes.

Why do we use personal information?

We use children's data:

- To support children learning
- To monitor and report on a child's progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing
- To safeguard children
- To provide appropriate medical/health support
- To share medical information with public health agencies

Collecting information

Whilst the majority of a child's information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. The lawful reasons we have for processing personal information are as follows:

1. To comply with the law

We collect and use general purpose children's information in order to meet certain legal requirements and legal obligations placed upon the pre-school by law. We therefore are required to process personal information for such purposes even if you have not consented to us doing so. Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

2. To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a

person's life is in danger. Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

3. With the consent of the individual to whom that information 'belongs'

Whilst much of the personal information processed is in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used. Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

4. To perform a public task

It is a day-to-day function of the pre-school to ensure that children receive the early years education and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that pupils are properly educated and supported. Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

Special Category Personal Information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

1. Explicit consent of the data subject
2. Processing relates to personal data which is manifestly made public by the data subject
3. Necessary for establishing, exercising or defending legal claims
4. Necessary for reasons of substantial public interest
5. Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
6. Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of special category personal information data that we process is set out in the tables attached.

Who might we share your information with?

We routinely share pupil information with:

- Schools/nurseries that the children attend after leaving us
- Our local authority (including Local Authority Social Care Services)
- The Department for Education (DfE)
- NHS England
- Local Public Health Team
- NHS Test & Trace

We do not share information about our children or parents unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

Data Collection Requirements:

NHS Test and Trace/Public Health Agencies:

It may be necessary for us to share limited information with the above agencies in the event that an individual tests positive for Coronavirus, or if there is a Coronavirus outbreak. This will enable the named agencies to liaise with families to provide advice and support, and to take appropriate steps in responding to an outbreak. You have the right to object to the sharing of the information with such agencies. This is not an absolute right and will be assessed on a case by case basis.

What do we do with your information?

All personal information is held in a manner which is compliant with data protection legislation. Personal information is only processed for the purpose it was collected. The Pre-School monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

How long do we keep your information for?

In retaining personal information, the Pre-School complies with statutory guidelines and procedures by the Local Authority.

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

What are your rights with respect of your personal information?

Under data protection law, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or to have access to your child's educational record, contact Little Willows Pre-School via info@littlewillowspreschool.co.uk or alternatively; the Office, Little Willows Pre-School, Whitnash Primary School, Langley Road, Whitnash, Leamington Spa, Warwickshire CV31 2EX.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and;
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioners Office at <https://ico.org.uk/concerns>.

Table 1 – Personal information we are required to process to comply with the law:

| INFORMATION TYPE | RELEVANT LEGISLATION | SPECIAL CATEGORY – ADDITIONAL LAWFUL REASON | THIRD PARTIES WITH WHOM WE SHARE THE INFORMATION | LAWFUL REASON FOR SHARING |
|---|---|---|--|----------------------------------|
| Special Education Needs Report | Children’s and Families Act 2014, Section 69 | | Local Authority, Other schools/nurseries – when pupils transfer | Legal Obligation |
| Attendance Register | Education (Pupil Registration) (England) Regulations 2006, Regulation 4,10,11 and 12 | | OFSTED, Local Authority | Legal Obligation |
| Safeguarding Information | Education Act 2002, section 175 Childrens Act 1989, Section 17, 47, 83 Childrens Act 2004, Section 11 | | Local Authority, Other schools – when pupils transfers | Legal Obligation |
| Curricular Record including Assessment & Achievement Data | Education (Pupil Information) England Reg 2005, Reg 4 | | OFSTED, Local Authority, Local School | Legal Obligation |
| Educational Record | Education (Pupil Information) (England) Regu 2005, Reg 5&6 | | Parents, Local School | Legal Obligation |
| Children’s Information i.e. name, age, address, Emergency contact details | Education (Information About Individual Children) (England) Regulations 2013, Reg 3&5 | | Department of Education, school census. Other schools – when pupils transfer | Legal Obligation |
| Medical/Dietary/Allergies | | Necessary for preventative or occupational medicine | Department of Education – school census. Other schools – | Legal Obligation |

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|--|--|--|---|------------------|
| | | | when pupil transfers | |
| School Census | Education Act 1996, Sections 537 & 537A and accompanying regulations | | Department of Education | Legal Obligation |
| Staff information, including personal details, DBS Check, qualifications | Education Act 2005, Section 114 | | Secretary of State, Warwickshire County Council, Disclosure & Barring Service | Legal Obligation |

Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests.

| INFORMATION TYPE | SPECIAL CATEGORY – ADDITIONAL LAWFUL REASON | THIRD PARTIES WITH WHOM WE SHARE THE INFORMATION | LAWFUL REASON FOR SHARING |
|-------------------------|--|---|----------------------------------|
| Medical Information | Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent | Medical Staff i.e. paramedics/ambulance | Vital Interest |
| Religious Belief | Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent | Medical Staff i.e. paramedics/ambulance | Vital Interest |

Table 3– Personal information we are required to process with the consent of the individual to whom that information ‘belongs’

| INFORMATION TYPE | SPECIAL CATEGORY – ADDITIONAL LAWFUL REASON | THIRD PARTIES WITH WHOM WE SHARE THE INFORMATION | LAWFUL REASON FOR SHARING |
|-------------------------|--|---|----------------------------------|
| Photographs & Videos | | Other schools – when pupils transfer, website, within the pre-school community (in communication with parents, staff and trustees) Press (when celebrating our success) | Vital Interest |
| Email Address | | Not Shared | |

Table 4– Personal information we are required to process because it is necessary to do so in order to perform a public task

| INFORMATION TYPE | SPECIAL CATEGORY – ADDITIONAL LAWFUL REASON | THIRD PARTIES WITH WHOM WE SHARE THE INFORMATION | LAWFUL REASON FOR SHARING |
|--|--|--|----------------------------------|
| Children’s Information i.e. name, address, age, parent detail, emergency contact details | | Department of Education – school census. Other settings when children transfer | Legal Obligation |
| Academic progress data, Learning journals, staff observations | | OFSTED, Parents, IDS, Health such as Speech & Language | Public Task and Legal Obligation |
| Safeguarding information, Medical, Special, Education Needs | | Local Authority, IDS, Health, Parents | Legal Obligation |
| Educational & Safeguarding Information used internally for the purpose of educating and protecting the welfare of children | | | |