

10.18 Privacy Notice - How we use children's information

The Data Protection Lead with responsibility for monitoring this privacy notice is Tracy Moodie

Why do we collect and use children's information?

Hempstead Pavilion Playgroup Ltd will record, process and keep personal information on you and your child in accordance with the General Data Protection Regulations 2018.

We use this data to:

- Support children's learning
- Make assessments and report on children's development
- Safeguard the children in our care in accordance with relevant legislation
- Comply with Government legislation
- Assess the quality of our services
- Contact you in case of emergency
- To process your claim for up to 30 hours free childcare (only where applicable)
- To keep you updated with information about our setting
- To comply with the law regarding data sharing

Hempstead Pavilion Playgroup Ltd collect, hold and share two kinds of records on children attending our setting.

Developmental records

These include:

- Developmental information collected prior to the child starting at the setting
- A copy of the child's Two Year Old Progress Check
- Observations of children in the setting, photographs, video clips, samples of work and developmental assessment records.
- A summary of the child's EYFS profile report.

Personal records

These include:

- Personal details – including the information provided on the child's registration form and any consent forms and characteristics such as ethnicity, language and nationality.
- Contractual matters – including the child's days and times of attendance, a record of the child's fees and/or funding entitlement, any records of fee reminders and/or disputes
- Emergency contact details – including those people, other than parents/guardians with authorisation to collect the child from the setting.
- Children's health and well-being – including discussions about every day matters regarding the health and well-being of the child with the parent/guardian, records of accidents and medication records.
- Safeguarding and child protection concerns – including records of all welfare and protection concerns and our resulting actions, meetings and telephone conversations about the child and any information regarding a Looked After Child.
- Early support and SEN – including any focussed intervention provided by our setting, a record of the child's EHCP and, where relevant, their Statement of Special Education Need.
- Correspondence and reports – including letters and emails to and from other agencies and any confidential reports relating to specific children
- If you apply for 30 hour free childcare we will also collect your national insurance number or unique taxpayer reference (UTR), if your self-employed.

Collecting information

Whilst the majority of 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 information to us or if you have a choice in this.

The Early Years Foundation Stage (Welfare Requirements) Regulations 2012 place a legal obligation upon us to collect and process much of the information detailed above. Therefore, we do not require your consent to collect this information as we have a fair and lawful reason for doing so.

All forms collecting data will clearly state our lawful basis for processing the information you supply and where the request is voluntary or consent is required this will be clearly stated.

Storing pupil data

We ensure that access to children's files is restricted to those authorised to see them such as the manager, deputy, designated person for child protection, the child's key person or the setting SENCo. These confidential records are stored in a locked filing cabinet.

We retain children's records for three years after they have left the setting, except records that relate to an accident or child protection matter. These are kept until the child reaches the age of 21 years or 24 years respectively.

Sharing information

The information that you provide to us, whether mandatory or voluntary, will be regarded as confidential. We do not share information about your child with anyone without consent unless the law and our policies allow us to do so.

We routinely share information without consent with:

- schools that children attend after leaving us
- our local authority for the purposes of the Early Education Entitlement for 2, 3 and 4 year olds and the Early Years Census
- the Department for Education (DfE) as part of statutory data collections.

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates, when:

- there is evidence that the child is suffering or is at risk of suffering significant harm.
- There is reasonable cause to believe that a child may be suffering, or is at risk of suffering, significant harm
- It is to prevent significant harm arising to children, young people or adults, including the prevention, detection and prosecution of serious crime.

We share pupils' data with the Department of education (Dfe) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

Further information regarding information sharing and confidentiality can be found in the attached policies.

Data Collection Requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the early years census) go to <https://www.gov.uk/childcare-parenting/data-collection-for-early-years-and-childcare>.

For information about services for young people, please visit our local authority website <http://www.medway.gov.uk>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as

studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-an-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents/guardians, children and young people have the right to request access to information about them that we hold. Where a child is too young to give 'informed consent' the parent is the 'subject' of the file and has a right to see the information held.

Children's developmental records are shared regularly with parents/guardians and formal requests to access these is not required.

To make a request for your personal information contact Tracy Moodie Data Protection Lead following the procedure detailed in our access to records policy.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- withdraw consent where given
- 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 would like to discuss anything in this privacy notice, please contact Tracy Moodie

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 Commissioner's Office at <https://ico.org.uk/concerns/>