**Westend Playgroup Privacy Notice (How we use pupil information)**

**Data Protection Principles – our obligations**

We will ensure that your personal data is:

* processed fairly and lawfully and in a transparent manner;
* collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
* adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
* accurate and, where necessary, kept up to date;
* kept in a form which permits identification of data subjects for no longer than necessary for the purpose;
* processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures;
* not transferred to people or organisations situated in countries without adequate protection, unless there are appropriate safeguards in place, and enforceable data subject rights and effective legal remedies for data subjects are available.

We will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

We will not keep personal data longer than is necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all data which is no longer required. The Schedule attached to this notice sets out the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period, and when it will be erased.

We will process all personal data in line with the data subjects' rights.

We will process all personal data that we hold in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measure.

**YOUR RIGHTS AS A DATA SUBJECT**

As a data subject, you have certain enforceable rights under the Data Protection legislation, including:

* the right to obtain from the controller confirmation as to whether or not personal data concerning them are being processed; and
* if so, access to the personal data, plus a copy of the personal data undergoing processing ("right of access").

As part of the right of access, you also have the right to ask for information as to:

* the purposes of the processing of your personal data;
* the categories of personal data concerned;
* the recipients or categories of recipient of the data;
* the envisaged period for which the personal data will be stored or, if that is not possible, the criteria used to determine that period;
* where the personal data was not collected from yourself as the data subject, any available information as to their source; and
* where personal data is transferred to a third country or international organisation, the safeguards relating to the transfer.

This information is, in the main, set out in this notice.

In addition, as a data subject you have:

* the right (“right of rectification”) to obtain from us as the controller without undue delay the rectification of inaccurate personal data concerning yourself and (taking into account the purposes of the processing) the right to have incomplete personal data completed;
* the right (“right of erasure”) to obtain from us as the controller the erasure of personal data concerning yourself without undue delay, in various circumstances which includes where:
  + *the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; or*
  + *the processing is based on your consent as the data subject, and you withdraw that consent (and there is no other legal basis for processing); or*
  + *the processing is based on its being necessary for our legitimate interests as the data controller or those of a third party, and you as the data subject object to the processing, unless we demonstrate that the processing is based on compelling legitimate grounds which override your interests, rights and freedoms as the data subject, or that it is for the establishment, exercise or defence of legal claims; or*
  + *we have unlawfully processed your personal data.*
* the right (“right of restriction”) to obtain from us as the controller the restriction of processing where the data is inaccurate, unlawfully processed, no longer required except for the establishment, exercise or defence of legal claims, or pending the verification whether we have legitimate grounds as the controller which override your rights as the data subject;
* the right (“right of portability”) to receive the personal data concerning yourself, which you have provided to us as the data controller, in a structured, commonly used and machine-readable format, and to transmit the data to another controller, where the processing is based on consent or carried out by automated means;
* the right (“right to object”) to object to processing based on our legitimate interests as the data controller, where these are outweighed by your interests, rights and freedoms as the data subject, unless the processing is required for the establishment, exercise or defence of legal claims. You also have the absolute right to object to processing for marketing or profiling purposes;
* the right not to be subject to a decision based solely on automated processing, including profiling (although we do not currently carry out any automated processing or profiling in relation to the activities covered by this notice);
* the right to withdraw your consent or explicit consent, where the processing is based on that lawful basis; and
* the right to make a complaint to the supervisory authority (the Information Commissioner’s Office at <http://www.ico.org.uk> ).

These rights may be limited in some situations – for example, where Westend Playgroup can demonstrate that it has a legal requirement to process your personal data. Also, Westend Playgroup may need you to provide us with proof of identity for verification and data security purposes before you can exercise your rights.

Rights may only be exercised by the individual whose information is being held by Westend Playgroup or with that individual's express permission. Children from around 12 years upwards are entitled to make their own requests (where the Westend Playgroup is of the reasonable view that they have an appropriate understanding of the request they are making) and parents / guardian / family members do not have an automatic right to see information about their child or prevent their child from making a request to Westend Playgroup.

For further information about your rights as a data subject or to exercise any of them, please contact the Westend Playgroup Data Protection Officer or review <https://ico.org.uk/your-data-matters/>

**THE CATEGORIES OF PUPIL INFORMATION THAT WE PROCESS INCLUDE:**

* personal identifiers and contacts (such as name, date of birth, contact details e.g. telephone numbers, email address and home address);
* who has parental responsibility;
* characteristics (such as ethnicity, language);
* special educational needs (including the needs);
* medical and administration (such as doctors information, child health, allergies, medication and dietary requirements)’
* attendance (such as sessions attended);
* assessment and attainment;
* behavioural information;
* incident information (safeguarding, accidents);

This list is not exhaustive.

**WHY WE COLLECT AND USE PUPIL INFORMATION**

We collect and use pupil information, for the following purposes:

1. to support children’s learning
2. to monitor and report on pupil attainment progress
3. to provide appropriate pastoral care
4. to assess the quality of our services
5. to keep children safe (food allergies, or emergency contact details)
6. to meet the statutory duties placed upon us by the inspectorate/regulators

**WHO WE SHARE PUPIL INFORMATION WITH**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We routinely share pupil information with:

* Schools that the children attend after leaving us
* CSSIW during an inspection or following a complaint about our services
* Banking and voucher provider services to process payments
* The local authority for the purpose of obtaining support for individual children
* Specialist support workers for individual children e.g. speech and language therapists, health visitors where a specific need to do so has been identified and agreed with parents

We will also share your data with third parties:

* If we are legally required to do so by law
* to enforce or apply any contract with the data subject or other agreements; or
* To protect your child and other children
* To prevent criminal activity
* To protect our rights or the rights of others
* To transfer the ownership of the setting
* Who have been appointed by Westend Playgroup as data processors to provide us with specific services such as specialist IT services or support; and/or
* For the purposes of the legitimate interests pursued by Westend Playgroup, as set out in the Schedule;

**LAWFUL BASES FOR PROCESSING**

We must have a lawful basis to process your personal data. The legal basis on which we do so will vary according to purposes for which we process personal data, but the lawful bases include:

### where you have given us your consent to process it for one or more specific purposes;

### where it is necessary for the performance of a contract to which you are party or in order to take steps at your request to enter into a contract;

### to protect your vital interests or those of another individual;

### for the performance of a task in the public interest or the exercise of official authority vested in Westend Playgroup;

### for compliance with a legal obligation to which we are subject; or

### for the purposes of the legitimate interests pursued by Westend Playgroup or by a third party, provided such interests are not overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

Where the processing of your data is based on your consent, you have the right to withdraw the consent at any time.

**SPECIAL CATEGORY DATA**

We will only process special categories of data about ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life, or sexual orientations where a further basis is also met. Processing of information relating to criminal convictions and offences must also only take place where a further basis is met.

The purposes for which we process special category personal data and the legal basis on which we do so, will vary according to the category of personal data concerned but the lawful bases include:

* you have given your explicit consent for Westend Playgroup to process it for one or more specific purposes;
* the processing is necessary for the purposes of performing our obligations as the data controller or to enable you to exercise your rights as the data subject under the laws relating to employment, social security or social protection;
* to protect your vital interests or those of another individual where you are incapable of giving consent;
* the processing is necessary in the course of Westend Playgroup's legitimate interests as pre-school playgroup, with appropriate safeguards in place and where we do not disclose personal data outside Westend Playgroup without your consent;
* you have made the data public;
* the processing is necessary for the establishment, exercise or defence of legal claims;
* the processing is necessary for reasons of substantial public interest. UK law has determined that this includes processing for the following purposes: functions conferred on Westend Playgroup by law; administration of justice; equality and diversity monitoring; preventing or detecting unlawful, dishonest or fraudulent acts; safeguarding; and insurance;
* the processing is necessary for reasons of health or social care or public health; and/or
* the processing is necessary for archiving purposes in the public interest or for scientific or historical research or statistical purposes;

**HOW WE COLLECT PUPIL INFORMATION**

We collect information from parents, carers and professionals who are involved with a child. Data is collected on paper application and registration forms, via email correspondence and if appropriate, records of conversations will be made.

Pupil data is essential for the playgroup’s operational use. Whilst some of the pupil information you provide to us is necessary for compliance with the terms of registration with CSSIW, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

**HOW WE STORE PUPIL DATA**

Data is held in paper form and electronically. Data is accessible only to those within the setting that need access to it for their role e.g. the playgroup leader, your child’s key-work and the finance and administration assistant.

We hold pupil data securely for the set amount of time shown in our data retention schedule which is set out below. We only store your data for as long as is necessary and to complete the task for which it was originally collected. Some information, such as accidents, incidents and safeguarding related documents will be retained after your child leaves Westend Playgroup to comply with statutory requirements and best practice.

**REQUESTING ACCESS TO YOUR PERSONAL DATA**

Under data protection legislation, 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 be given access to your child’s educational record, contact Ceri Limbrick who is the Data Protection Officer for Westend Playgroup.

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
* a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint 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/>

**CHANGES TO THIS POLICY**

We may make changes to this notice from time to time as our organisational practices and/or applicable laws change. We will not make any use of your personal data that is inconsistent with the original purpose(s) for which it was collected or obtained (if we intend to do so, we will notify you in advance wherever possible) or otherwise than is permitted by Data Protection Legislation.

**CONTACT DETAILS**

If you have any questions, require further information about how we protect your personal data, if you wish to exercise any of the above rights or if you would like to provide feedback or make a complaint about the use of your information, please contact the Westend Playgroup Data Protection Officer:

Ceri Limbrick

Playgroup Leader

St Francis Millennium Centre

Park Road

Barry

[Climbrick1@sky.com](mailto:Climbrick1@sky.com)

07979553472

**Data Schedule**

|  |  |  |
| --- | --- | --- |
| Data type | Legal basis of processing | Retention period |
| Personal data held on waiting lists, registration forms, health questionnaires, contracts, consent forms, registers and accident records. This includes but is not restricted to name, contact details, date of birth, likes and dislikes and health information e.g. immunisations, medication, allergies, disability | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup | The Limitation Act 1980 provides for a limitation period of 3 years for personal injury claims from the date of incident, or from the claimant’s 18th birthday if the incident occurred prior to that date.  3 years after the child ceases to attend Westend Playgroup. If a concern is identified that legal action may be instigated, all relevant information will be retained until the child reaches 21 years of age. |
| Safeguarding and welfare records including child protection referrals or child in need referrals to the local authority.  Documents relating to allegations of abuse or harm by staff or volunteers within the setting.  These records are likely to include, but are not restricted to:  Referral forms, case record logs, summaries of the case, minutes of meetings, reports. | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup.  Legal obligations to which Westend Playgroup is subject in relation to safeguarding.  Necessary to retain as part of Westend Playgroup’s public interest tasks | Until the child’s 21st birthday or for 75 years if a looked after child. |
| Safeguarding and welfare records including referrals to early support services | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup.  Legal obligations to which Westend Playgroup is subject in relation to safeguarding.  Necessary to retain as part of Westend Playgroup’s public interest tasks | 6 years from time referral is made or 75 years for looked after children. |
| Information provided by other agencies e.g. relating to health, special educational needs | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup. | Until the child leaves the setting unless related to an incident at the setting in which case, until one day after the child’s 21st birthday. |
| Records of attainment and achievement | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup. | Until the child leaves the setting. Usually these will be given to parents/carers as part of an end of year book. |
| Photographs | Consent.  Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup. | Generally until the child leaves the setting. Some photographs are retained indefinitely in a photo album within the setting to provide evidence of our work to CSSIW and other parents. |
| Records of any reportable death, injury or disease or dangerous occurrence | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup.  Legal obligations to which Westend Playgroup is subject.  Necessary to retain as part of Westend Playgroup’s public interest tasks. | Three years from the date of the last entry (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended. |
| Accident/medical records as specified by the Control of Substances Hazardous to Health regulations (COSHH) 1999 | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup.  Legal obligations to which Westend Playgroup is subject.  Necessary to retain as part of Westend Playgroup’s public interest tasks. | 40 years from the date of the last entry. |
| Complaints records | Legitimate interests of Westend Playgroup performing its role in providing a pre-school playgroup. | 3 years from the date of the last record. |