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GDPR Privacy Notice

WHAT IS THE PURPOSE OF THIS DOCUMENT?

SHAPE Childcare Services (“Setting” or “we”) is committed to protecting the privacy and security of your personal information. The privacy notice describes how the Setting collects and uses personal information about children attending the Setting (“Child” or “Children”) and the parents of the children (“Parents”) (known collectively as “You” or “Your”), in accordance with the General Data Protection Regulation (GDPR).

The Setting is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about You. We are required under data protection legislation to notify You of the information contained in this privacy notice.

This notice applies to Children and Parents and does not form part of any other contract to provide services. We may update this notice at any time but if we do so, we will provide You with an updated copy of this notice as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy we may provide on specific occasions when we are collecting or processing personal information about You, so that You are aware of how and why we are using such information and what Your rights are under the data protection legislation.

DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about You must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to You and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told You about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told You about.
6. Kept securely.



THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means information about an individual from which that person can be identified. This does not include data where the identity has been removed (anonymous data).

There are “special categories” for more sensitive personal data which requires higher level of protection, such as information about a person’s health or sexual orientation.

Children:

This setting will collect, store, and use the following categories of personal information about Children:

- Name
- Date of Birth - we may ask to confirm your child’s date of birth at registration (i.e. verify the information on your child’s birth certificate)
- Home address
- Emergency contacts should the Parents and or guardians of the child be unavailable
- Dietary requirements
- Any known allergies and or medical conditions
- Attendance information
- Photographs and video clips of the Child to signpost Children to where their belongings are stored at the Setting that they are attending, and also for general display purposes.
- Physical and Digital records for each child whilst being at the Setting, observations about the Child’s development whilst at the Setting from Employee of the Setting, specific examples of the Child’s progress, photographs demonstrating the Child’s development whilst at the Setting, and personal details of the Child (e.g. their date of birth)(“Progress Report”)
- Records that relate to the individual Children e.g. care plans, common assessment frameworks, speech and language referral forms.
- Accidents and pre-existing injury forms.
- Records of any reportable death, injuries, diseases or dangerous occurrence.
- Observations, planning and assessment records of Children

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information regarding the Child’s background including, race or ethnicity, spoken language and nationality
- Information about a Child’s health, including any medical conditions, health and sickness records.
- Information about a Child’s accident or incident reports including any pre-existing injuries
- Information about a Child’s incident form/child protection case details/ child protection referral forms/ reports.

Parents:

We will collect store, and use the following categories of personal information about Parents:

- Name
- Home address
- Telephone numbers, personal email addresses
- National Insurance Number
- Bank account details

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about Children and Parents from when the initial enquiry is made by the Parents (which is through the enrolment process and until the Children stop using the Setting's Services).

HOW WE WILL USE INFORMATION ABOUT YOU?

We will only use Your personal information when the law allows us to. Most commonly, we will use Your Personal information in the following circumstances:

- 1 Where we need to perform the contract we have entered into with You.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and Your interests and fundamental rights do not override those interests.

We may also use Your personal information in the following situations, which are likely to be rare:

1. Where we need to protect Your interests (or someone else's interests).

Situations in which the Setting will use personal information of Children

The situation in which we will process personal information of Children listed below.

- Upon consent from the Parents and or guardians of the child, Personal Data of the Children will be shared with schools for progression into the next stage of their education.
- Where there is a situation where child protection is necessary, personal information of Children will be shared with local authorities without the consent of Parents.
- For funding purposes, the personal information of Children will be shared with local authorities without the consent of Parents.
- Ofsted will be allowed access to the Setting's system to review child protection records.



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- To ensure we meet the needs of the Children
- To enable the appropriate funding to be received
- Report on a Child's progress whilst with the Setting
- To check safeguarding records
- To check complaint records
- To check attendance patterns are recorded
- When a Child's Progress Report is given to the Parent and or guardian, to pass the same Progress Report to a school for application or enrolment purposes.

Situations in which the Setting will use personal information of Parents

To primarily allow us to perform our contracts with Parents and to enable us to comply with legal obligations, we need all the categories of information in the list above (see parents section within the paragraph entitled the 'The Kind of Information we Hold About You'). The situation which we will process personal information of Parents are listed below.

- To report on a Child's attendance
- To be able to contact a Parent or a Child's emergency contact about their Child.
- To ensure settings fees are paid

If Parents fail to provide personal information

If Parents fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with Parents or we will be prevented from complying with our legal obligations to Parents.

Change of purpose

We will only use your personal data and personal information for the purposes in which we have collected it for and unless we reasonably consider that we need to use it for another reason. If we need to use Your personal information for any other unrelated purpose, we will notify the Parents.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

In this setting, we have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. "Special categories" of sensitive information requires a much higher level of protection. We need to have further justification for collecting, storing and using this type of personal information.

DATA SHARING

It may be the case, that we may have to share a Child or Parents data with third parties. We require that third parties treat and respect the security of Your data and treat in accordance with the law.



DATA RETENTION

How long will you use my information for?

We will only retain the personal information and data for as long as necessary to fulfil the basis on which we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details regarding the retention period for different aspects of Your personal information are available in the retention policy which is available from the manager. To determine the appropriate retention period for Your personal data, we will consider the nature and sensitivity of the information we hold, the potential risk of harm from unauthorised use or disclosure of Your personal data.

In some circumstances we may anonymise Your personal information so that it can no longer be associated or linked with you, in which we may use such information without further notice to You. Once your Child no longer receives the Setting's services, we will securely destroy your personal information in accordance to our data attention policy **OR** applicable laws and regulations.

Your rights in connection with personal information

Under certain circumstances, by law You have the right to:

- **Request access** to Your personal information. This allows you to receive a copy of any personal information we hold about You to be checked that we are lawfully processing it.
- **Request correction** of the personal data and information we hold about You. This enables You to receive any copies of inaccurate or incomplete information that we hold of You to be corrected.
- **Request Erasure** of your personal information. This allows Parents to ask us to delete any personal information we hold where there is no good reason for us to continuously process. You also have the right to ask us to remove your personal information where You have not exercised Your right to object to processing (see below)
- **Object to processing** of Your personal information where we are relying on a legitimate interest. You have the right to object to the processing of Your personal information for direct marketing purposes.
- **Request the restriction of processing** of Your personal information. This enables Parents, as is appropriate, to ask us to suspend the processing of personal information about You .
- **Request the transfer** of Your personal information to another party.

If by any chance You would like to review, correct, verify or request erasure of Your personal information, object to the processing or request that we transfer Your personal information to another party, please contact the manager in written format.

No fee usually required

You will not be charged a fee to access Your personal information that we hold (or to exercise any of the other rights).



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What we may need from You?

We may need to request specific information from You, to help us confirm Your identify and ensure Your right to access the information.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances You may have consented to the collection, processing and transfer of Your Personal information for a specific purpose. You have the right to withdraw Your consent at any given time. To withdraw Your consent, please contact the Nursery Manager Zoe Davy. Once we have received your notification in withdrawing consent, we will no longer continue to process Your information.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide You with a new privacy notice when we make any substantial updates. We may also notify You in other ways from time to time about the processing of your personal information.