

61. Data Privacy Policy (formerly privacy policy)



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This policy covers the following: -

- a) Who we are
- b) Data we hold and why we hold it
- c) Lawful basis for holding, processing and storing data
- d) Legal frame work, legislation and guidance
- e) Data processing, accessing and sharing
- f) Data storage and security
- g) Data retention
- h) Your rights – accessing and amending personal information
- i) Related polices, forms and guidance
- j) Who to contact

a) Who we are

We are Dicky Birds Pre School Nurseries Ltd providing childcare to families in South West London. We are the data controllers of information provided about children and their families who are in contact with us and our staff.

We are committed to maintaining the trust and confidence of families in our nurseries, on our waiting lists, our staff, visitors and people who use our website.

This policy sets out how we use and protect information we hold about individuals and families.

Should we ask you to provide certain information by which you or your family can be identified; you can be assured that it will only be used in accordance with this policy.

b) Data we hold and why we hold it

What is personal data?

We collect personal information about individuals and families. This includes parents, children, family members and our staff.

"Personal information" is any information that can be used to identify an individual. For instance, this is data that allows a person to be identified such as a name, phone number or home address. The processing of personal data is governed by the General Data Protection Regulation (the GDPR).

Dicky Bird Pre School Nurseries Ltd is registered with the Information Commissioner's Office under registration reference: Z9197010. The certificate for this can be viewed [here](#).

Types of data we collect

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What information do we hold about children?

This information includes date of birth, gender, contact details of parents/carers, identification information (copy of birth certificate), attendance information, characteristics such as ethnic group, religion, any safe guarding arrangements, special educational needs, medical information, developmental records and photographs. We may also hold CCTV footage.

What information do we hold on parents/carers?

We hold personal information on parents/carers such as contact details, correspondence between ourselves and the parent/carers, National Insurance Numbers and dates of birth. At some of our sites we hold Biometric data (finger prints) for secure access to the buildings. We may also hold CCTV footage.

What information do we hold on individuals connected to a child?

We hold contact details and photographs of individuals who have consent to collect your child from nursery, who are an emergency contact or who are a healthcare professional working with your child. We may also hold CCTV footage.

We also hold some financial information of parents/carers

When your child joins the nursery you pay us for our services. This is usually by standing order, childcare voucher or card payment. When refunding money to you such as a deposit we will ask for bank account details. We do not store this data by default. Bank details are stored up until the time the details are used to refund money. Once a refund has been made the bank details are deleted. Bank details while being held are held on a secure database within our server. National Insurance (NI) numbers for parents/carers are required to claim funding for the child. The NI number is actively used for claiming funding during a child's time at the nursery. It will be referred to each time funding needs to be claimed. See the Data Retention section of this policy for further details.

Parent/Carers consent for us to hold and process their children's data

Children are not able to give consent for their own data until they are 16. Therefore, as part of our registration and admission process new parents complete an enquiry or registration form via our website to give permission for us to hold and process their own and their child's data.

Once a child has joined the nursery further information is required about a child. Upon acceptance of a place and the completion of a Child Entry Form, a parent/guardian gives consent for us to hold and process their own and their child's personal data.

Additional adults connected to your child

When your child joins the nursery we ask for contact details such as telephone and email address and photographs for identification purposes of other adults connected to your child. These adults will be people who you are happy to collect your child on your behalf and are an emergency contacts.

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What information do we hold on our staff?

In our personnel records for staff members we hold contact details, personal information, DBS details, bank details, National Insurance numbers, identification information (copy of passport or ID card) and sometimes medical information. Our staff members give consent for us to hold and process their data by signing an employment application form or employment contract with us. We may also hold CCTV footage.

Website Cookies

We use website Cookies to improve your experience when using our website and to improve our range of services. We have carefully chosen these Cookies and have taken steps to ensure that an individual's privacy is protected and respected at all times. Further information about how we use cookies can be viewed [here in our Cookies Policy](#).

What do we use personal data for:-

- To support children's development and wellbeing and to monitor their progress.
- To administer our nursery records
- To administer our personnel files
- To administer our financial records
- To manage our waiting lists
- To keep parents informed of their children's wellbeing, news, events and important updates and information
- To support and manage our staff

c) Legal framework, Legislation and Guidance -

Dicky Birds Pre School Nurseries Ltd and this policy are subject to the legislation and guidance below:-

- [Childcare Register 2016](#)
- [Data Protection Act 2018 \(General Data Protection Regulation\)](#)
- [HMRC](#)
- [ICO's CCTV code of practice](#)
- [Keeping children safe in Education 2016,](#)
- [Limitation Act 1980](#)
- [OFSTED](#)
- [Statutory Framework of the Early Years Foundation Stage \(Welfare requirements – Made legal under the Childcare Act 2006\)](#)
- [Surveillance Camera Code of Practice](#)
- [Working together to safeguard children - DfE, 2018 \(Safeguarding\)](#)

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d) Our lawful basis for processing data

Under GDPR legislation companies are required to have a lawful basis for processing data they hold. This ranges between consent from an individual to process their data, to a company's legal duty to process data.

What is the lawful basis for processing the data of the children and the parents/carers of children who attend our nurseries?

We have contractual and a legal obligation that requires us to collect, process and store personal information of children, parents/carers and our staff in compliance within the legal framework above:-

The legal obligations supersede GDPR and we therefore do not require consent to record and process certain data for parents/carers and children.

What is the lawful basis for processing the data of additional adults connected to the children who attend our nurseries?

We have a legitimate and vital interest to process and store this information as it relates to the wellbeing of the child and our obligations under the legal framework mentioned above.

What is the lawful basis for processing data for children and their parent/carer on our waiting list, or who have enquired via our website/telephone/email?

Our lawful basis for processing the above information is that you have giving your consent and/or have entered into a contract with us by joining our waiting list requesting that we contact you.

What is the lawful basis for processing our staff member's personal data?

Processing is necessary for carrying out contractual and legal obligations concerning employment and in line with [HMRC](#) and the legal framework mentioned above.

e) Data Processing and Sharing

How do we process personal data?

Dicky Birds Nurseries complies with its obligations under the GDPR and by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data: by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that sufficient technical measures are in place to protect personal data.

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Who has access to personal data

Data is viewed on a need to know basis. We have security groups of Senior Managers, Managers, Administrators and Nursery Staff. Membership of the security groups is based on the requirement to access different areas of data and the membership of these groups is reviewed by the management team on a regular basis.

Remote access to electronic data

As part of our security groups some staff have access to our secure servers remotely. This can be via smart phone, tablet, laptop or desktop computers. Access is restricted to specific security groups and we have measures in place to ensure devices are encrypted and password protected. See our Password Policy and Remote Access Policy for further details.

Removing or copying electronic data from company sites (Nurseries, Breakfast & After School Club and Head Office)

Other than the above, staff are aware that they must not take any nursery property i.e. cameras, laptops, tablets away from sites, including to a babysitting job which falls outside of their employment with Dicky Birds. Staff are aware they must not send via email/download/copy onto a usb/smart phone or other file-saving piece of technology - nursery files, including photographs or data of children, families or staff, either to their own personal email address or to another party. This includes uploading photographs or information onto social media.

Removing paper documents and records from company sites (Nurseries, Breakfast & After School Club and Head Office)

Staff are forbidden to remove children's files and any files associated with children off of site. This includes Learning Journals and photographs.

Sharing data without consent

In some cases we may need to share information without parent/carer/staff member consent. For example, if there is a child protection concern, criminal or tax investigations. Ofsted may require access to our records at any time.

Further processing

If we wish to use personal data for a new purpose, not covered by this policy, then we will provide a person with information explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek prior consent for the new processing.

Third parties that we share children and/or parent/carers data with

The Local Authority (LA) uses information about children to carry out specific functions which it has a legal responsibility. For example, the LA will make an assessment of any special education needs a child may have, investigate safe guarding concerns and process

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Early Years Free Entitlement Funding. The LA's for our nurseries are Royal Borough of Kingston Upon Thames and the London Borough of Merton. Kingston's Privacy Policy for processing data related to children and funding can be viewed [here](#). Merton's Privacy Policy for processing data related to children and funding can be viewed [here](#).

Schools that a parent/carer applies to for their child may request reports and information about the child. We gain parental/carer consent to share this information, when a child joins the nursery consent is asked for on our Child Entry Form. A parent/carer can opt out of this consent at any time by contacting the Nursery Manager or our Head office. Information will not be shared with schools unless consent has been given.

f) Data Storage and Security (including cyber security)

Where do we store data?

Paper based documents

Paper based documents relating to children, parents/carers are stored within the nursery rooms and the Managers office and are accessed on a need to know basis. Paper based documents for our Breakfast & After School Club are stored within securely locked cupboards within the church premises that we rent and are accessed on a need to know basis. Documents regarding investigations/safeguarding are stored in locked filing cabinets.

Electronic data (including current data and archived data)

Our computer servers are hosted locally and locked in a secure area with encrypted backups.

Data is held within folders that are secured on our servers by security groups.

Within our server we hold data on a CRM which is again hosted locally.

Membership of the security groups is based on the requirement to access different areas of data and the membership of these groups is reviewed by the management team on a regular basis.

Anti-Virus software is used to scan the data as it is accessed.

Encrypted backups are regularly taken throughout the day to allow for data recovery.

Paper Archive

We have a paper archive in a secure and monitored building for documentation pertaining to the business including children's, parents/carers and staffs data. The archive contains data collected prior to September 2018.

Telephone data

We use a Voip (Voice Over Internet Protocol) telephone system. We do not record telephone conversations but we do receive voicemails. These voicemails are deleted after being listened to or within 14 days of recording.

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All our Telephone control panels and their information are located and stored in secure systems and data centres complying to [ISO 27001](#), this is an industry standard for systems and procedures for data security.

Mailing Lists

When a family join our nursery/waiting list we send information via email such as our e-newsletter 'The Chirp', admissions updated and other emails that we believe to be of interest and relevance to them. We use a third-party provider, MailChimp, to store parent/carer names, email address and child's name and to deliver our newsletter and group emails. We gather statistics around email opening and clicks using industry standard technologies to help us monitor and improve our e-newsletter. For more information, please see [MailChimp's privacy notice](#).

Information that comes to us via our website

Individuals' data that comes via our website (enquiries and waiting list registrations) is uploaded to our CRM database coming first via an external server provided by Memset. You can read about Memset's GDPR compliance [here](#).

Biometric data

We hold biometric (finger print data) at some of our sites of parents/carers and staff. This data is used for the purpose of identification to enter the nursery building. This data is stored on a secure hard drive that is encrypted and password protected

CCTV surveillance footage

We have CCTV at some of our setting. CCTV footage is stored securely on secure hard drives per site. It is password protected and accessible only via VPN (Virtual Private Network) using via AES encryption technology. For further information about CCTV and our purpose for having it see our CCTV Surveillance policy.

Staff Payroll Data

We use a third party called Streets Chartered Accounts to process our payroll. Details of how they protect and process data can be viewed [here](#).

Staff Data General – database

We use a third party database called Croner Simplify to store and manage our staff data. Details of how they protect and process data can be viewed [here](#) and [here](#).

Card payment data

When taking card payments via telephone we do not store your card details. We use a 3rd party payment provider Lloyds Cardnet to process payments. Lloyds Cardnet process data in accordance with Payment Card Industry – Data Security Standards (PCI DSS). Further details of how they protect and process data can be viewed [here](#).

We also use Sage Pay to process the payment of a registration fee via our website. Details of how they protect and process data can be viewed [here](#).

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Eventbrite – event management website

We use Eventbrite to manage the invitations and replies for our Parent Information evening and other events. Further details of how they protect and process data can be viewed [here](#).

g) Data Retention

We keep data in accordance with the legal framework, legislation and guidance above.

Child, parent/carer and other adults connected to the child's data

Documents and information relating to an individual child which therefore includes parent/carer data and other adults connected to the child's data, whether in paper or electronic form will be retained as follows: -

While the child is in attendance: Onsite until the child leaves the setting

Once the child has left: Retained in an electronic and/or archive or paper archive until the child has reached 21 years of age.

Learning Journals: Will be given to the parents/carers of the child once they are complete and/or when a child about to leave the nursery.

Photographs: Photographs taken of the child by the nursery will be deleted from the electronic system after 2 years.

Communications log: Electronic and paper correspondence relating to a child will be stored in an electronic and/or archive or paper archive until the child has reached 21 years of age.

Contact details of parents/carers and adults connected to a child (including telephone numbers, email addresses and physical addresses): Will be contained within the electronic archive for 21 years but will not be used to contact a child/parent/carer after 2 years, unless as part of a Safeguarding or legal issue. See our Safeguarding & Child Protection Policy for further details.

Financial information relating to a child's account is held for 7 years after a child has left the nursery in electronic and/or archive or paper archive in line with [HMRC's Retention Policy](#).

Parent/Carer Bank Account details: When refunding we will ask for bank account details. We do not store this data by default. Bank details are stored for up to 12 weeks which is up until the time the details are used to refund money. Once a refund has been made the bank details are deleted. Bank details while held are held on a secure database within our server. In the instance that a client has provided bank details via email, the details may be contained within the log of communication we keep for the client's child. The log of

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communication will not be used to reference the bank details. If bank details are required for future refunds, we will request them again directly from the client.

Parent Carer National Insurance (NI) numbers The NI number is actively used for claiming funding during a child's time at the nursery. It will be referred to each time funding needs to be claimed. Once a child has left the nursery NI numbers will remain in the email communication log of the child but will not be used for funding or identification purposes. NI numbers are stored securely on our server.

Staff Data

Documents and information relating to staff, whether in paper or electronic form will be retained as follows: -

Staff Accident and Incident reports: Retained in electronic or paper archive for 40 years.

Staff DBS information (criminal record checks): Retained for 3 years after they have left the business.

Staff personal records: Retained for 7 years after they have left the business.

Data containing details of multiple individuals

Documents and information relating to multiple individuals, whether in paper or electronic form will be retained as follows: -

Nursery Registers, Outings Forms and Signing In and Out sheets: Retained are in an in electronic and/or archive or paper archive for 21 years.

Nappy Chart paper forms: Destroyed after 3 months.

Photographs: Deleted from the electronic system after 2 years.

Further information can be found in our **Paper Document Retention and Deletion Procedure**.

h) Your rights: Accessing and amending data

At Dicky Birds we have an open access policy in relation to accessing information about the nursery, parent's own children and staff's own information.

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Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:-

- The right to request a copy of your personal data which we hold about you or your child. This is called a **Subject Access Request**.
- The right to request that we correct any personal data if it is found to inaccurate or out of date.
- The right to request your personal data is erased where it is no longer necessary for us to retain such data.
- The right to withdraw your consent to the processing at any time.
- The right to request that we provide your or your child's personal data and where possible transmit that data directly to another data controller.
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing.
- The right to object to the processing of personal data.
- The right to lodge a complaint with the [Information Commissioners Office](#) (ICO).

Making amendments to or contributing to personal data

Parents/carers are welcome to view and contribute to all the records that are kept on their child. Requests can be made to the nursery manager or our Head Office.

Staff are welcome to view and contribute to their personal records. Requests should be made to the nursery manager or HR department.

We may not disclose information if:

- It may cause serious harm physical or mental to the subject or another individual
- Where the disclosure of that information would not be in the child's best interests
- If there is an ongoing safeguarding concern or investigation about the subject

How to make a Subject Access Request

If you would like to make a Subject Access request you can do so by completing a Subject Access Request form. The form can be found here <https://www.dickybirds.co.uk/South-London-Nursery-pdf> or can be requested via our Head Office on 020 894 25779 or email gdpr@dickybirds.co.uk.

Mailing List How to unsubscribe

You can unsubscribe from our mailings at any time of the day or night by clicking the unsubscribe link at the bottom of any of our emails or by emailing our Head Office Team at gdpr@dickybirds.co.uk. You can contact the [Information Commissioners Office](#) help line on 0303 123 1113

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i) Related policies and guidance

This policy and related documents

This policy will be reviewed annually and amended according to any change in law/legislation.

This policy should be viewed in conjunction with our Access & Storage Policy, Client Access to Records and Confidentiality Policies.

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This policy should be viewed in conjunction with the following:-

Linked Policies

- *Safeguarding and Child Protection Policy*
- *Confidentiality Policy*
- *Password Policy*
- *Company Mobile Policy (Employee Handbook)*
- *Photography, mobile phones, cameras and camera enabled devices Policy*

To be used in Conjunction with the following Nursery Forms, Documents & Resources

- Guidance - Accessing emails online and managing/disconnecting your mobile device

Updated	<i>February, 2019</i>
Updated by	<i>Natali O'Farrell Administration Manager</i>
Date to be Reviewed	<i>February, 2020</i>

j) Questions and who to contact

We have a **Data Protection Officer** who is available to contact for you to exercise all relevant rights, queries or complaints please contact our Data Protection Officers Natali O'Farrell & Helen Small on 020 8942 5779 or by email gdpr@dickybirds.co.uk or in writing to:-

*Dicky Birds Pre School Nurseries Ltd
Anchor House, Burgoine Quay
8 Lower Teddington Road
Kingston-Upon-Thames
Surrey
KT1 4EU*

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