

# Data Protection Policy



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# Data Protection Policy



## Introduction

At Hopes and Dreams Montessori Nursery School (HADMNS), we take privacy and data protection very seriously. We need to gather and use certain information about individuals; these can include staff, children, parents, business contacts, Emergency contacts and other third parties. This policy contains all the necessary information on how we collect, handle and store your data to comply with the law.

This policy does not form part of any contract of employment or other contract to provide services. HADMNS reserves the right to amend this policy from time to time in line with business or legislative changes. If an amendment is made, we will provide you with an update copy of this document as soon as is reasonably practical.

## 1 - Purpose of this policy

This data protection policy ensures that HADMNS follow the next requirements:

- Complies with the data protection law and follows good practice.
- Protects the rights of staff, children, parents, business contacts, and other third parties.
- Is open about how we store and process individuals' data.
- Protects itself from the risks of data breach.

Your personal data must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for the valid purposes that are explained to you in this policy and not used in any way that is incompatible with those purposes.
- Accurate, relevant and not excessive.
- Kept up to date.
- Kept only for as long as necessary for the purposes we have told you about.
- Kept securely.
- Processed in accordance with the rights of data subjects.

## 2 – GDPR Key Principles

The key Data Protection principles set out the main responsibilities for organisations and requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial 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; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- 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.

HADMNS is committed to ensuring personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

### 3 - Rights of the individuals (data subject)

The GDPR provides the following rights for individuals:

- To be informed;
- The right of access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object;
- Rights in relation to automated decision making and profiling.

HADMNS provides full details of its privacy information through its privacy policy held on the company website. This privacy policy is reviewed and updated regularly, and any new uses of an individual's data will be made available to data subjects prior to these changes taking place.

#### 3.1 - Right of Access (including Subject Access Requests)

The GDPR clarifies that the reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing. Under the GDPR, individuals will have the right to obtain:

- confirmation that their data is being processed;

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- access to their personal data; and
- other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.

Should an employee wish to have access to their personal data they should provide their request in writing to the Managing Director.

## 3.1.1 – Fees (usually) not applicable

Under the GDPR there is no longer a fee for dealing with subject access requests and the information will be provided “free of charge” and without delay - no later than one month from the date of receipt of the initial request, unless the requests are numerous or complex in which case information will be provided within two months of the initial request.

HADMNS may charge a “reasonable fee” to comply with requests for further copies of the same information, or should a request be found to be manifestly unfounded or excessive, particularly if it is repetitive.

Should an access request be subject to a fee or delay, the company will write to the individual within one month of receipt of the initial request to explain why this is necessary.

On receipt of the data, should an individual find that their records are either inaccurate or incomplete, they should provide the company with a rectification request in writing to the Managing Director, to request having the data is rectified.

On receiving a request for rectification, the company will take reasonable steps to rectify the data if necessary, however should the company believe that the data is accurate, the individual will be contacted in writing of the company's findings, explanation of the decision not to amend the data, and right to make a complaint to the Information Commissioners Office (ICO) if necessary.

## 3.2 - Right to erasure or to restrict processing

The GDPR introduces a right for individuals to have their personal data erased (the right to be forgotten) or to request for processing to be restricted.

These rights are not absolute and only applies in certain circumstances. Further information is available on the ICO website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

Should an individual wish to have their personal data erased or restricted, they should provide their request in writing to the Managing Director.

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HADMNS will respond in writing no later than one month from the date of receipt of the initial request. The company has the right to refuse to comply with requests for restriction should the request be found to be manifestly unfounded or excessive, taking into account if the request is repetitive.

## 3.2.1 - Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

## 3.4 - Your rights in connection with personal information

As briefly explained in section 3: Under certain circumstances, by law, you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about You. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables employees, parents and clients to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party), and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables employees, parents and clients as is appropriate, to ask us to suspend the processing of personal information about you for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data or request that we transfer a copy of your personal information to another party, please contact the Nursery School Manager in writing.

## 3.5 - What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## 3.6 – Right to withdraw consent

In limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Control/HADMNS Business Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## 4 - The kind of information we hold about you

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

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

### 4.1 - Employees:

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

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- DBS.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of an employee's continuous employment.
- Location of employment or workplace.

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- Copy of driving licence (where applicable).
- Recruitment information (including copies of right to work documentation, references and other information included in a CV, covering letter or as part of the application process).
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Personnel files and training records including performance information, disciplinary and grievance information, and working time records.
- Records of any reportable death, injury, disease or dangerous occurrence.

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

- Information about an employee's race or ethnicity.
- Information about an employee's health, including any medical condition, accident, health and sickness records, including:
  - where an employee leaves employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
  - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
  - where an employee leaves employment and the reason for leaving is related to their health, information about that condition needed for pensions and permanent health insurance purposes.

## 4.2 - Children:

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

- Name.
- Date of birth.
- Home address.
- Dietary requirements.
- Emergency contact should parents be unavailable, and the emergency contact's contact details.
- Information about the child's routine.
- Accidents.
- Records of any reportable death, injury, disease or dangerous occurrence.

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

- Information about a child's race or ethnicity, spoken language and nationality.



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- Information about a child's health, including any medical condition, health and sickness records.
- Information about a child's accident or incident reports including reports of pre-existing injuries.
- Information about a child's incident forms / child protection referral forms / child protection case details / reports.

## 4.3 - Parents:

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

- Name
- Home address
- Telephone numbers, and personal email addresses.
- Billing information/bank account details/information.
- Place of Work (current employers)

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

- Information about a parent's race or ethnicity, spoken language and nationality.
- Conversations with parents where employees of the HADMNS deem it relevant to the prevention of radicalisation or other aspects of the Governments Prevent Strategy.
- Any issues relating to SENCO or safeguarding.

## 5 - How is your personal information collected?

### 5.1 Employees

We collect personal information about employees through the application and recruitment process. We might sometimes collect additional information from third parties including former employers and referees and other background agencies (like umbrella bodies dealing with DBS).

We will collect additional personal information in the course of job-related activities throughout the period of when an employee works for us.

### 5.2 Children and parents

We collect personal information about children and parents from when the initial enquiry is made by the parents, through the enrolment process and until the family leave the HADMNS.

## 6 - How we will use information about you

We will only use your personal information when the law allows us to and to provide the services offered by HADMNS. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where we need to comply with a legal obligation.
- 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:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

### 6.1 - Situations in which we will use employee personal information

We need all the categories of information in the list above (see Employee section within the Paragraph entitled 'The Kind of Information We Hold About You') primarily to allow us to perform our contracts with employees and to enable us to comply with legal obligations. The situations in which we will process employee personal information are listed below.

- To inform you of current job vacancies.
- To advise you on changes made to our procedures and policies.
- To keep you up to date with the nursery news.
- Making a decision about an employee's recruitment or appointment.
- Checking that an employee is legally entitled to work in the UK. Paying an employee and, if an employee is an employee or deemed employee for tax purposes, deducting tax and National Insurance contribution (NICs).
- Providing benefits to employees.
- Liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits.
- Administering the contract, we have entered into with an employee.
- Administering/conducting performance, salary reviews, managing performance and determining performance requirements.
- Assessing qualifications for a particular job or task, including decisions about promotions.

- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about an employee's continued employment, engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving employees, including accidents at work.
- Ascertaining an employee's fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap, and there may be several grounds, which justify our use of an Employee's personal information.

## **6.2 - Situations in which the HADMNS will use personal information of Children**

We need all the categories of information in the list above (see children section within the Paragraph entitled 'The Kind of Information We Hold About You') primarily to allow us to perform our obligations (including our legal obligations to Children. The situations in which we will process personal information of children are listed below.

- Personal information of children will be shared with governing bodies as required by law.
- Personal information of children will be shared with local authorities without the consent of Parents where there is a situation where child protection is necessary.
- To ensure we meet the needs of the children.
- To check safeguarding records.
- To check complaint records.

## 6.3 - Situations in which the HADMNS will use personal information of parents

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

- The personal information of parents will be shared with local authorities without the consent of Parents for funding purposes.
- To be able to contact a parent or a child's emergency contact about their child.
- To ensure HADMNS fees are paid.
- To make parents aware of changes in rates and terms and conditions.
- To make parents aware of any updates or news from the Nursery School.

## 6.5 - Employees and Parents that fail to provide personal information

If Employees, parents, clients fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with employees, parents, clients and we may be prevented from complying with our respective legal obligations to employees, parents and clients.

## 6.6 - Change of purpose

We will only use your personal information for the purposes for which we collected it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify the employee, parent or client, as is appropriate in the circumstances, and we will explain the legal basis which allows us to do so.

Please note that we may process an employee's, a child's, a parent's or a client personal information without their respective knowledge or consent, as relevant to the circumstances, in compliance with the above rules, where this is required or permitted by law.

## 7 - How we use particularly sensitive personal information

We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with employee or parent explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employee employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or about our occupational pension scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect an employee, a child, a parents or a client interests (or a third parties interests) and the employee, child, parent or client as is appropriate is not capable of giving consent, or where the employee or parent has already made the information public.

### 7.1 - The Nursery Schools obligations as an employer

We will use particularly sensitive personal information of employees in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about the physical or mental health of an employee, or their disability status, to ensure employee health and safety in the workplace and to assess the fitness of employees to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
- We will use information about an employee's race or national or ethnic origin, religious, philosophical or moral beliefs, or an employee's sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

### 7.2 - Do we need employee consent?

We do not need the consent of employees if we use special categories of personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach employees for their written consent to allow us to process certain particularly sensitive data. If we do so, we will provide employees with full details of the information that we would like and the reason we need it, so that employees can carefully consider whether they wish to consent.

Employees should be aware that it is not a condition of their contract with HADMNS they agree to any request for consent from us.

## 8 - Information about Criminal Convictions

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so, which includes but is not limited to Disclosure and Barring Service ("DBS") checks. Where appropriate, we will collect information about criminal convictions as part of the recruitment process, or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- To conduct a DBS check on each employee, to record the date of the DBS check, the number of the DBS check and the name of the body conducting the DBS check.

We are allowed to use your personal information in this way to carry out our obligations. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where an employee, a parent or a client as is relevant to the circumstances, has already made the information public.

## 9 - Data Sharing

In order to fulfil our contractual agreement with our parents and employees, we need to share data with third parties consisting of parents and employees.

### 9.1 - We the HADMNS may share employee, child and parent personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

## 9.2 - Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents), local authorities, regulatory bodies, schools and other entities within our group. The following third-party service providers process personal information about you for the following purposes:

- Local Authorities – for funding and monitoring reasons (e.g. equal opportunities and uptake of funded hours).
- Regulatory bodies – for ensuring compliance and the safety and welfare of the children.
- HR and employment law specialists – When the HADMNS requires advice in HR and law matters.
- Pension Scheme providers – to ensure your contributions to your pension scheme are correct
- Payroll providers – to ensure your payments are processed timely, accurately and in compliance with the current law
- Umbrella bodies – to process information regarding DBS certificates in a lawful and accurately manner

## 9.3 - How secure is my information with third-party service providers and other entities in our group?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 9.4 - When might you share my personal information with other entities in the group?

We will share your personal information with other entities in our group in the following circumstances:

- To provide a successful transition for the children from the HADMNS to mainstream education.
- For internal administrative processes.
- For HR and payroll matters.
- For employment purposes.

## 9.5 - Other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

## 10 - Data Retention

### 10.1 - How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including to satisfy any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy, which is available from the Data Control/Nursery School Business Manager.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Once you are no longer an employee, parent, child or client benefiting from the HADMNS services we will retain or securely destroy your personal information in accordance with applicable laws and regulations.

## 11 – Website Cookies

### 11.1 - How We Use Cookies

We use cookies for a variety of reasons detailed below. Unfortunately, for most cases there are no industry standard options for disabling cookies without completely disabling the functionality and features they add to this site. It is recommended that you leave on all cookies if you are not sure whether you need them or not, in case they are used to provide a service that you use.



## 11.2 - Disabling Cookies

You can prevent the setting of cookies by adjusting the settings on your browser (see your browser Help for how to do this). Be aware that disabling cookies will affect the functionality of this and many other websites that you visit. Disabling cookies will usually result in also disabling certain functionality and features of this site. Therefore, it is recommended that you do not disable cookies.

## 11.3 - The Cookies We Set

If you create an account with us then we will use cookies for the management of the signup process and general administration. These cookies will usually be deleted when you log out however, in some cases they may remain afterwards to remember your site preferences when logged out.

We use cookies when you are logged in so that we can remember this fact. This prevents you from having to log in every single time you visit a new page. These cookies are typically removed or cleared when you log out to ensure that you can only access restricted features and areas when logged in.

This site offers newsletter or email subscription services and cookies may be used to remember if you are already registered and whether to show certain notifications which might only be valid to subscribed/unsubscribed users.

This site offers e-commerce or payment facilities and some cookies are essential to ensure that your order is remembered between pages so that we can process it properly. When you submit data to through a form such as those found on contact pages or comment forms cookies may be set to remember your user details for future correspondence. In order to provide you with a great experience on this site we provide the functionality to set your preferences for how this site runs when you use it. In order to remember your preferences, we need to set cookies so that this information can be called whenever you interact with a page is affected by your preferences.

## 11.4 - Third Party Cookies

In some special cases we also use cookies provided by trusted third parties. The following section details which third party cookies you might encounter through this site. This site uses Google Analytics which is one of the most widespread and trusted analytics solutions on the web for helping us to understand how you use the site and ways that we can improve your experience. These cookies may track things such as how long you spend on the site and the pages that you visit so we can continue to produce engaging content. For more information on Google Analytics cookies, see the official Google Analytics page. This data is held anonymously and cannot be traced back to you.

From time to time, we test new features and make subtle changes to the way that the site is delivered. When we are still testing new features, these cookies may be used to ensure that you

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receive a consistent experience whilst on the site whilst ensuring we understand which optimisations our users appreciate the most.

We also use social media buttons and/or plugins on this site that allow you to connect with your social network in various ways. For these to work the following social media sites including but not limited to; Facebook, Twitter, LinkedIn, will set cookies through our site, which may be used to enhance your profile on their site or contribute to the data they hold for various purposes outlined in their respective privacy policies.

## 12 - 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.

**If you have any questions about this privacy notice, please contact the Data Control/Nursery School Business Manager, at Hopes and Dreams Montessori Nursery School.**

Reviewed on: May 2019

Signed on behalf of the Hopes and Dreams Montessori Nursey School (HADMNS)

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Next review date: May 2020