



## **General Data Protection Regulation (GDPR) PRIVACY NOTICE FOR PARENTS AND CARERS**

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data. This privacy notice explains how we collect, store and use personal data about parents/carers.

We, Baylis Court Nursery School, are the 'Data Controller' for the purposes of data protection law. The School is registered as a Data Controller with the Information Commissioners Office (ICO). Our registration number is **Z9385859**

Our Data Protection Officer is The Schools People (see 'How to Contact us' below).

### **Definition of 'Parent'**

The term 'parent' is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent) and includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives.

It is therefore possible for a pupil to have several "parents" for the purposes of education law. This privacy notice also covers other members of pupils' families who we may process data about from time to time, including, for example, siblings, aunts and uncles and grandparents.

### **1. Data Protection Principles**

Personal Data must be processed in accordance with the six Data Protection Principles. It must be

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

## 2. Types of Personal Data Processed by the School

The categories of parent/carer personal data that we collect, hold and share includes, but is not limited to:

- Personal information (such as name, address, telephone numbers and email address, other named family/friend contact details);
- Information relating to your identity: - e.g. DBS checks for volunteers and parent club providers
- free school meal / pupil premium eligibility
- entitlement to certain benefits
- information about court orders in place affecting parenting arrangements for pupils

We may also collect 'special category' data including:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your health.

## 3. Collecting Personal Data

We collect parent/carer information from:

- Application/admissions forms
- Social Services either in Slough or other Local Authorities if a child is Looked After, Previously Looked After or subject to a Special Guardianship Order.
- Slough Borough Council or local hospital trust if a child on roll has/had an assessment because of their Special Educational Needs and/or Disabilities
- Correspondence with the School including messaging systems: Parent Mail
- Authorisation for trips and other enrichment activities

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils.

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

## PRIVACY NOTICE FOR PARENTS AND CARERS

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations (such as to discharge our safeguarding obligations), or we may be unable to discharge our obligations which may be in the public interest or for official purposes.

### **4. Why we Collect and Use this Information**

We collect parental/carer information to safeguard and promote the welfare of your child, promote the objects and interests of the School, facilitate the efficient operation of the School and ensure that all relevant legal obligations of the School are complied with. For example, we collect data:

- to decide who to admit to the school
- to maintain a waiting list;
- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing;
- for the protection and welfare of pupils and others in the school, including our safeguarding / child protection obligations;
- for the safe and orderly running of the school;
- to promote the school;
- to send you communications that may be of interest to you which may include information about school events or activities, news, campaigns, appeals, other fundraising activities;
- to respond to investigations from our regulators or to respond to complaints raised by our stakeholders;
- in connection with any legal proceedings threatened or commenced against the school.

Where appropriate, we will ask parents/carers for consent to process personal data where there is no other lawful basis for processing it. For example, where we wish to ask your permission to use your information for marketing purposes or to request voluntary contributions. Parents/carers may withdraw consent given in these circumstances at any time.

### **5. Automated Decision Making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are permitted to use automated decision-making in limited circumstances.

We **do not** envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## 6. The Lawful Bases for Processing Personal Data

We only collect and use personal data when the law and our policies allows us to. We process general category data under:

- Article 6 (1)(a) of the GDPR. The data subject, or a person with the lawful authority to exercise consent on the data subject's behalf, has given explicit consent;
- Article 6(1)(c) of the GDPR. Where processing is necessary for us to comply with the law;
- Article 6(1)(d) of the GDPR. where processing is necessary to protect the vital interests of the data subject or another person;
- Article 6(1)(e) of the GDPR as processing is necessary for us to perform a task in the public interest or for our official functions, and this task or function is lawful;

We process special category data under:

- Article 9(2)(a) of the GDPR. The data subject, or a person with the lawful authority to exercise consent on the data subject's behalf, has given explicit consent;
- Article 9(2)(c) of the GDPR. Processing is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- Article 9(2)(e) of the GDPR. Processing relates to personal data which are manifestly made public by the data subject;
- Article 9(2)(f) of the GDPR. Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- Article 9(2)(g) of the GDPR. Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- Article 9(2)(j) of the GDPR. Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

Some of the reasons listed above for collecting and using personal data overlap, and there may be several grounds which justify our use of this data.

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Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

### **7. Criminal Proceedings/Convictions or Child Protection/Safeguarding Issues.**

This information is not routinely collected and is only likely to be processed by the School in specific circumstances relating to particular students, for example, if a child protection issue arises or if a parent/carer is involved in a criminal matter.

Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and/or the Police.

Such information will only be processed to the extent that it is lawful to do so, and appropriate measures will be taken to keep the data secure.

### **8. Consent**

We may process your personal information without your knowledge or consent, in compliance with the above lawful bases, where this is required or permitted by law and our policies.

Where appropriate, we will ask parents/carers for consent to process personal data where there is no other lawful basis for processing it. For example, where we wish to ask your permission to use your information for marketing purposes or to request voluntary contributions.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

Where we rely solely on your consent as the lawful basis for processing, you have the right to withdraw consent at any time.

### **9. Change of Purpose**

We will only use your personal information for the purposes for which it was collected, 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 you and we will explain the legal basis which allows us to do so.

## **10. Storage and Retention of Personal Data**

A significant amount of personal data is stored electronically. Some information may also be stored as hard copy.

Data stored and accessed electronically is done so in accordance with the School's **Data Security Policy**

Hard copy data is stored and accessed in accordance with the School's **Data Security Policy**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements.

Details of retention periods for different aspects of your personal information are available in our **Data Retention Policy**.

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.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. When your child is no longer a pupil at the School, we will retain and securely destroy your personal information in accordance with our **Data Retention Policy**.

## **11. CCTV**

We have installed CCTV systems on our premises for the safety of staff, pupils, governors and other stakeholders, and for the prevention and detection of crime. Signs are displayed notifying you that CCTV is in operation.

All CCTV images will be retained for 28 days. After this period the images are permanently deleted, unless they are required for an ongoing incident/investigation which has been identified (for example, if a crime has been observed and recorded or if the images have been retained while another subject access request is being processed). In such cases images will be retained for as long as necessary (for example, until the conclusion of any criminal proceedings arising from the incident).

For further information, please refer to the Schools **CCTV Policy**

## 12. Data Sharing

We do not share parent/carer information with anyone without consent, unless the law and our policies allow us to do so. We routinely share parent/carer information with:

- schools that pupils attend after leaving us
- the Local Authorities pupils move to where the child is in care or subject to a special guardianship order for example

From time to time, we may also share parent / carer information with other organisations including:

- Slough Borough Council
- a pupil's home local authority (if different)
- the Department for Education (DfE)
- School Governors
- the Police and law enforcement agencies
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers
- Courts, if ordered to do so
- the Teaching Regulation Authority
- Prevent teams in accordance with the Prevent Duty on schools
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances
- our legal advisors
- our insurance providers / the Risk Protection Arrangement

Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your personal data.

### Other third-party service providers

We also share limited personal data with third-party service providers who require access to data in order to perform contracted services. These service providers include:

### **Parent Mail**

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We use Parent Mail for school to home communication via text message and email. Data collected is:-

- Parents Forename and surname
- Gender
- Mobile telephone number
- Email address
- Home address
- Children's details, including name, address and date of birth

### **Tapestry**

Within the EYFS curriculum there is a need to support dynamic recording and annotation of assessment and progress. The School subscribes to Tapestry to provide this solution. This is a two-way software solution that parents/carers can access, review and comment on.

Tapestry's Privacy Policy information can be found here: <https://tapestry.info/privacy.html>

These third-party service providers act as data processors on the Schools behalf and are required to take appropriate security measures to protect your personal information in line with our policies and data protection legislation. We authorise these service providers to use personal data only as necessary to perform services on our behalf, or to comply with legal obligations if necessary.

### **13. Transferring Data Outside The EEA**

We do not routinely share data with organisations outside the EEA. Where this may be necessary, e.g. where a pupil's family have emigrated, data may be transferred to the pupil's new school with appropriate safeguards.

We will not transfer personal data outside the European Economic Area (EEA) unless such transfer complies with the GDPR. This means that we cannot transfer any personal data outside the EEA unless:

- The EU Commission has decided that another country or international organisation ensures an adequate level of protection for personal data
- One of the derogations in the GDPR applies (including if an individual explicitly consents to the proposed transfer).

## 14. Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so and in accordance with our ***Data Security Policy and Breach Procedure***.

## 15. Your Data Subject Rights

You have the right to:

- Make a Subject Access Request (SAR) (see below);
- Withdraw your consent to processing at any time;
- Ask us to rectify, erase or restrict processing of your personal data, or object to the processing of it (in certain circumstances);
- Prevent use of your personal data for direct marketing;
- Challenge processing which has been justified on the basis of public interest;
- Object to decisions based solely on automated decision making or profiling.
- Prevent processing that is likely to cause damage or distress;
- Be notified of a data breach in certain circumstances;
- Make a complaint to the ICO;
- Ask for your personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

### 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 time as a parent/carer of a pupil at the School.

### Subject Access Requests (SAR)

Under data protection legislation, you have the right to request access to your own personal data held by the School. Subject Access Requests may be made to the School in written form or verbally.

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If you would like to make a SAR in relation to your own personal data, it would be helpful if you made this in writing to the School, to include:

- your name and contact address;
- email address and telephone number;
- details of the information you require.

A helpful '**Guide to Making A Subject Access Request**' is available from the School office, or as a download from the School website. It **is not** mandatory to make a Subject Access Request using the form. It will, however, assist you in structuring your SAR to provide the information necessary to ensure we can action your request without delay.

### Fulfilling A Subject Access Request

The legal time scales for the School to respond to a Subject Access Request is one calendar month from receipt of a '**valid**' SAR.

A SAR is only considered '**valid**' when we are fully satisfied regarding the identity of the requester and their entitlement to the data requested. If in any doubt we will request confirmation of identity to ensure your personal data is not inadvertently released to a third-party who is not entitled to it.

Given the School has limited staff resources outside of term time, we encourage parents / carers to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays, where possible. This will assist us in responding to your request as promptly as possible.

If the SAR is complex or numerous, the period in which we must respond may be extended by a further two months. You will be notified of any delays in actioning the SAR and provided with a timeframe in which you can expect to receive the requested data.

### Fees

You will **not** have to pay a fee to access your personal information (or to exercise any of your other data subject rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

For further information about how we handle Subject Access Requests, please see our ***Subject Access Request Policy and Procedure***

### Exercising Other Data Subject Rights

If you wish 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 School in the first instance (details below).

### The Right to Withdraw Consent

Where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, and there is no other applicable lawful basis for processing the data, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Head teacher (details below).

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.

## **16. How to Contact Us**

If you have any questions or concerns about how we process information or wish to exercise any data protection rights, please contact the School in the first instance by emailing the head teacher using the following e-mail address: [head@baylis-nursery.slough.sch.uk](mailto:head@baylis-nursery.slough.sch.uk)

If you have concerns that we are not able to resolve to your satisfaction you can contact our Data Protection Officer using the email address below.

Alternatively, you can register a concern with the UK's data protection regulator, the [Information Commissioner's Office](#) by following this link <https://ico.org.uk/make-a-complaint/>

## PRIVACY NOTICE FOR PARENTS AND CARERS

Or,

Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Tel: 0303 123 1113

### School Contact Details

**Data Controller:** Baylis Court Nursery School, Oatlands Drive, Slough, SL1 3HS

**Data Controller's Representative:** Philip Gregory, Head teacher, [head@baylis-nursery.slough.sch.uk](mailto:head@baylis-nursery.slough.sch.uk)

**Data Protection Officer (DPO):** The Schools People. Dee Whitmore, [dposervice@schoolspeople.co.uk](mailto:dposervice@schoolspeople.co.uk)

### **16. Monitoring & Review**

This Privacy Notice will be reviewed on a yearly basis or as necessary in relation to changes in Data Protection legislation.

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.

Effective Date: May 2018

Last update: July 2020

Review Date: July 2021