

Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

10.4 DATA PROTECTION POLICY

Childrens Learning Centre's Privacy Notice

Childrens Learning Centre, 125 New Brighton Road, Emsworth, Hants, PO10 7QS. Tel No. 01243 372015 Email: childrenslc@btconnect.com Website: www.clcemsworth.co.uk

Childrens Learning Centre (the Centre), a Limited Company registered in England and Wales under registered number 2953345, is the Data Controller under the General Data Protection Regulation (GDPR) and offers nursery education to children aged 0-12. It offers an education where standards are high and teaching methods are forward-looking within a traditional framework.

Childrens Learning Centre operates at 125 New Brighton Road, Emsworth, PO10 7QS

PURPOSE

This policy is intended to provide information about how Childrens Learning Centre will use (or "process") personal data about individuals including: its staff; its current, past and prospective children; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under data protection law to understand how their data is used. Staff, parents and children are all encouraged to read this Privacy Notice and understand the Centre's obligations to its entire community.

This Privacy Statement applies alongside any other information Childrens Learning Centre may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Statement also applies in addition to Childrens Learning Centre's other relevant terms and conditions and policies, including;

- any contract between Childrens Learning Centre and its staff or the parents of children;
- the Centre's policy on taking, storing and using images of children;
- the Centre's retention of records policy;
- the Centre's safeguarding, behaviour, or health and safety policies;
- the Centre 's IT policies,

Anyone who works for, or acts on behalf of the Centre (including staff, volunteers and service providers) should also be aware of and comply with this Privacy Statement and/or the Centre's data protection policy, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The Managing Director has been appointed to deal with requests and enquiries concerning the Centre's use of personal data (see section on Your Rights below). He will endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law

Please contact the office – clcemsworth@gmail.com

WHY THE CHILDRENS LEARNING CENTRE NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, children and parents, the Childrens Learning Centre may process a wide range of personal data about individuals (including current, past and prospective staff, children or parents) as part of its daily operation.

Some of this activity the Childrens Learning Centre will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its children. Other uses of personal data will be made in accordance with the Centre's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

Childrens Learning Centre expects that the following uses may fall within that category of it's (or its community's) "**legitimate interests**":

- for the purposes of children selection (and to confirm the identity of prospective children and their parents);
- to provide education and nursery services, including musical education, physical training or spiritual development, and extra-curricular activities for children (Redwood unit), and monitoring children's progress and educational needs;
- to assess the quality of service;
- maintaining relationships with past children and the nursery community;
- for the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- to enable relevant authorities to monitor the Centre's performance and to intervene or assist with incidents as appropriate;
- to give and receive information and references about past, current and prospective children, including relating to outstanding fees or payment history, to/from any educational institution that the children attended or where it is proposed they attend;
- to enable children to take part in national or other assessments;
- to safeguard children's welfare and provide appropriate pastoral care;
- to monitor (as appropriate) use of the Centres IT and communications systems in accordance with the Centre's IT policy;
- to make use of photographic images of children in the Childrens Learning Centre publications, on Childrens Learning Centre website and (where appropriate) in accordance with the Centre's policy on taking, storing and using images of children;
- where necessary for the Centres purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, Childrens Learning Centre may need to process **special category personal data** (e.g. health, ethnicity, religion or criminal records information (e.g. when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may include:

- to safeguard children's welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or

accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: e.g. for medical advice, social services, insurance purposes;

- to provide educational services in the context of any special educational needs of a child;
- in connection with employment of its staff, for example DBS checks, welfare or pension plans; or
- for legal and regulatory purposes (e.g. child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE CHILDRENS LEARNING CENTRE

This will include by way of example:

- names, unique Children identifier, addresses, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents who pay fees to the Centre;
- past, present and prospective children's academic, admissions and attendance records (including information about any special needs);
- where appropriate, information about individuals' health, and contact details for their next of kin;
- references given or received by the Centre about children and information provided by previous educational establishments and/or other professionals or organisations working with the Centre; and
- images of children (and occasionally other individuals) engaging in Childrens Learning Centre activities (in accordance with the Centres policy on taking, storing and using images of children);

HOW THE CHILDRENS LEARNING CENTRE COLLECTS DATA

Generally, Childrens Learning Centre receives personal data from the individual directly (including, in the case of Children, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

In some cases, personal data may be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE CHILDRENS LEARNING CENTRE SHARES IT WITH

Occasionally, Childrens Learning Centre will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants), schools that children attend after leaving, the Department for Education (DfE) or relevant authorities (e.g. HMRC, police or the local authority).

For the most part, personal data collected by Childrens Learning Centre will remain within the Centre, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records; and
- pastoral or safeguarding files.

However, a certain amount of a child's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the child requires.

Staff, children and parents are reminded that Childrens Learning Centre is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#) 2018) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Centre's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the Centre's processing activity is carried out on its behalf by third parties, such as IT systems, web developers, online assessment providers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Centre's specific directions.

HOW LONG WE KEEP PERSONAL DATA

Childrens Learning Centre will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff personnel files is up to 7 years following departure from the Centre, children's data is held until they are 21 years and 3 month old. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal / insurance requirements. If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the office. However, please bear in mind that Childrens Learning Centre may have lawful and necessary reasons to retain some data.

KEEPING IN TOUCH AND SUPPORTING THE CHILDRENS LEARNING CENTRE

Childrens Learning Centre will use the contact details of parents, to keep them updated about the activities of Childrens Learning Centre or events of interest, including by sending updates and newsletters, by email or by hand. Should you wish to limit or object to any such use, or would like further information about them, please contact the office at the Childrens Learning Centre in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, Childrens Learning Centre may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by Childrens Learning Centre, and in some cases ask for it to be erased or amended

or for Childrens Learning Centre to stop processing it, but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data or wishing it to be transferred to another person or organisation, should put their request in writing to the office

Childrens Learning Centre will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. Childrens Learning Centre will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, Childrens Learning Centre may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege.

Children can make subject access requests for their own personal data, provided that, in the reasonable opinion of Childrens Learning Centre, they have sufficient maturity to understand the request they are making (see section "Whose Rights" below). Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger children, the information in question is always considered to be the child's at law. A child of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Children aged 13 are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from children will therefore be considered on a case by case basis.

Where the Childrens Learning Centre is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that Childrens Learning Centre may have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Statement or may otherwise exist under some form of contract or agreement with the individual, (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation has been requested).

WHOSE RIGHTS

The rights under Data Protection Law belong to the individual to whom the data relates. However, Childrens Learning Centre will often rely on parental consent to process personal data relating to children (if consent is required) unless, given the nature of the processing in question, and the Children's age and understanding, it is more appropriate to rely on the child's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the Childrens Learning Centre will assume that childrens consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the Children's activities, progress and behaviour, and in the interests of the Children's welfare, unless, in Childrens Learning Centre's opinion, there is a good reason to do otherwise.

However, where a child seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, Childrens Learning Centre may be under an obligation to maintain confidentiality (where the child is of sufficient maturity as outlined above) unless, in the Centres opinion, there is a good reason to do otherwise; for example where Childrens Learning Centre believes disclosure will be in the best interests of the child or other children, or if required by law, i.e. for Safeguarding purposes.

Children are required to respect the personal data and privacy of others, and to comply with Childrens Learning Centre's IT policy and rules.

DATA ACCURACY AND SECURITY

Childrens Learning Centre will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must notify Childrens Learning Centre Office of any changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act): please see above.

Childrens Learning Centre will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to Childrens Learning Centre systems. All staff will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the office using childrenslc@btconnect.com email.

If an individual believes that Childrens Learning Centre has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise Childrens Learning Centre [complaints / grievance] procedure and should also notify the Company Director. Individuals can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with Childrens Learning Centre before involving the regulator.

<https://ico.org.uk/concerns/>

Relevant Legislation

General Data Protection Regulation (EU 2016/679)

The UK Data Protection Act 2018

The Education (Independent Childrens Learning Centres Standards) Regulations 2014

Education (Children Registration) (England) Regulations 2006

Children Act 1989

Police Act 1997

Education Act 2002

Education Act 2002

Education and Skills Act 2008

Equality Act 2010