

PRIVACY NOTICE
LEICESTER COLLEGE DAY NURSERY



The **UK General Data Protection Regulation (UK GDPR)** is a legal framework that sets guidelines for the collection and processing of personal information of individuals.

Leicester College Day Nursery, Freeman’s Park Campus, 145 Welford Road, Leicester LE2 7LW

Leicester College, 145 Welford Road Leicester LE2 7LW
Leicester College Data Protection Officer – Louise Hazel - email dpo@leicestercollege.ac.uk

1. WHO WE ARE AND HOW TO CONTACT US

- 1.1. We are Leicester College (the “College”). This privacy notice sets out how and why we use personal information and sets out your related rights and opinions.
- 1.2. For the purposes of applicable data protection law (mainly the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), we are the “controller” of your personal information. That means that we determine the purposes and the means of using your personal information (i.e. “why” and “how” your personal information is used), and that we take on legal obligations to you.
- 1.3. If you have any questions or queries which are not answered by this Privacy Notice, or have any potential concerns about how we may use the personal data we hold, please write to the Data Protection Officer at Leicester College, Freeman’s Park Campus, Welford Road, Leicester, LE2 7LW or email dpo@leicestercollege.ac.uk.

2. WHAT INFORMATION DO WE HOLD ABOUT YOU AND YOUR CHILD?

- 2.1. We collect personal data about you and your child to provide care and learning that is tailored to meet your child’s individual needs. We also collect information in order to verify your eligibility for free childcare as applicable.

Your Child's Information

- 2.2. Personal details that we collect about your child may include your child's name, date of birth, address, health and medical needs, development needs, and any special educational needs.
- 2.3. Where applicable we will obtain child protection plans from social care and health care plans from health professionals.
- 2.4. We will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.
- 2.5. With your consent, we will also record your child's activities for their individual learning record. This includes photographs and videos. At our nursery we use an online programme for recording children's learning and development, called Tapestry which is a secure application with its own web address, as well as full viewing and editing controls. You will be asked to opt in by signing your consent and will have the opportunity to withdraw your consent at any time, for images taken, by confirming so in writing.

Your Information

- 2.6. Personal details that we collect about you include your name, home and work address, phone numbers, emergency contact details, and family details.
- 2.7. For student parents we collect information including your course name, your tutor, your department, your College identification number, and placement names and addresses.
- 2.8. This information will be collected from you directly in the registration form.
- 2.9. If we apply for additional funding such as Pupil Premium, 2 Year FEEE (Free Early Years Education Entitlement,) Element Three Funding (for children with Special Educational Needs or DAF (Disability Access Funding) information we collect will include your National Insurance Number, your date of birth, information relating to disability allowances, and information relevant to funding to support children with special educational needs.
- 2.10. If you apply for up to 30 hours free childcare or Care To Learn Funding, we will also collect your national insurance number (or unique taxpayer reference [UTR], if you're self-employed). We may also collect information regarding any benefits and family credits that you are in receipt of.
- 2.11. We may keep information contained in any correspondence by post, email or other electronic form. We may record phone calls or video calls.
- 2.12. We may also obtain other information about you permitted by law from other sources. This may include from social services, the police or other agencies.

- 2.13. We may collect audio and video footage of you through the usage of our Body Worn Camera (BWC) system for the purpose of ensuring the safety of our staff and students, and to enable us to investigate incidents thoroughly.

Special Category Data

- 2.14. Some of the information outlined above that we collect about you is regarded as sensitive by data protection law. Known as 'special category personal data', this relates to information about health, racial or ethnic origin, sex life, sexual orientation, religious beliefs, political opinions, trade union membership or any genetic or biometric data that is used to identify you. This information, and any information about criminal offences/convictions, warrants a higher level of protection under data protection law. We therefore apply additional safeguards and information security measures when using these types of your personal information.

3. WHY DO WE COLLECT THIS INFORMATION?

- 3.1. We use personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. This includes using your data to:

- contact you in case of an emergency
- to support your child's wellbeing and development
- to manage any special educational, health or medical needs of your child whilst at our nursery
- to carry out regular assessment of your child's progress and to identify any areas of concern
- to maintain contact with you about your child's progress and respond to any questions you may have
- to process your claim for up to 30 hours free childcare (only where applicable)
- to keep you updated with information about our service.

- 3.2. We have a legal obligation to process safeguarding related data about your child should we have concerns about their welfare. We also have a legal obligation to transfer records and certain information about your child to the school that your child will be attending (see *Transfer of Records* policy).

- 3.3. Under Article 6 of the [UK General Data Protection Regulation \(UK GDPR\)](#), we are required to have a "lawful basis" to collect and use personal information. A lawful basis is a reason or justification for use which is accepted and recognised by the UK GDPR. The lawful bases we rely on for processing personal information are:

- where we have your consent;

- to perform contractual obligations to you;
- to comply with the College's legal obligations;
- to perform various tasks which are in the public interest, including educating and safeguarding our staff, students and children;
- where necessary in an emergency situation;
- where necessary to achieve the College's "legitimate interests". In overview, a legitimate interest is any valid and genuinely held educational, operational, legal or commercial objective; and
- where necessary to achieve a "recognised legitimate interest". These include, among others, emergencies, detection, investigation or prevention of crime and safeguarding vulnerable individuals.

3.4. Under Article 9 of the UK GDPR, we are required to have a "condition" to collect and use special category personal information (as defined above). A condition is, essentially, an additional lawful basis. The conditions we rely on to collect and use special category personal information are:

- where we have explicit consent;
- where necessary for exercising and/or enforcing ours or your rights or obligations in the fields of employment and social security;
- where necessary in emergency situations;
- where necessary for the establishment, exercise or defence of legal claims;
- where necessary for reasons of medical diagnosis, administration of preventive medicine, the provision of health or social care treatment;
- for public health reasons;
- for research and statistical purposes; and
- where necessary for reasons of substantial public interest (such as equality of opportunity / treatment, preventing / detecting unlawful acts, exercising a protective function, supporting individuals with a particular medical condition, to provide counselling, advice or support and to safeguard children or individuals at risk).

4. WHO MIGHT WE SHARE YOUR INFORMATION WITH?

4.1. We will keep this information about you and your child confidential but in some instances, we may need to share it.

4.2. In order for us to deliver childcare services we will also share your data as required with the following categories of recipients:

- Ofsted – during an inspection or following a complaint about our service
- Leicester College Finance Department who share with banking services to process direct debit payments or the Local Authority (where you claim up to 30 hours free childcare as applicable)
- the government's eligibility checker (as above)
- our nursery's software management provider
- the school that your child will be attending
- Early Years Support teams, Area SENCO, Health Services or other professionals

involved with your child to ensure appropriate support is offered in the nursery.

- 4.3. We may be asked to share data with other third parties where there is a lawful reason for their request and our policies allow us to do so. These may include: the police, social services, professional advisors acting on your, or the College's behalf, insurance companies acting on your, or the College's behalf, HMRC, other government agencies.
- 4.4. We may share data about parents/carers/households with external agencies where we have a safeguarding concern.

5. TRANSFERRING YOUR PERSONAL DATA TO OTHER COUNTRIES

- 5.1. In most cases we expect your information to stay here in the UK. However, on the few occasions where we do transfer your information outside the UK, we will ensure it is protected and handled in line with data protection law.
- 5.2. If we do transfer your personal data, we generally do not expect to transfer it to territories outside the European Economic Area (EEA). However, in instances where we need to do so (for example, where one of our service providers is based outside of the EEA), we will put in place the necessary additional protections required by Article 46 UK GDPR or rely on one of the exemptions in Article 49 UK GDPR in order to transfer your data.
- 5.3. If you would like more information about how we protect your personal information if it is transferred outside the UK, please email dpo@leicestercollege.ac.uk.

6. HOW DO WE PROTECT PERSONAL DATA

- 6.1. We take the security of your data seriously and implement technical (i.e., IT/technological) and organisational (i.e. physical/documentary) to ensure that your data is not lost, accidentally destroyed, misused or disclosed inappropriately.
- 6.2. Where we engage third parties to process personal data on our behalf, we do so on the basis of written instructions, ensuring they are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

7. HOW LONG DO WE KEEP THIS INFORMATION ABOUT YOU AND YOUR CHILD?

- 7.1. We keep information in accordance with our document retention policy. Retention periods are in line with the length of time we need to keep your personal information in order to manage and administer your child's education and training, carry out our statutory functions or public interest tasks, establish or defend legal claims, ensure the success of any of our legitimate interests, and handle any future information issues. They also take into account our need to meet any legal, statutory and regulatory obligations. These reasons can vary from one piece of information to the next. In all cases our need to use your personal information will be reassessed on a

regular basis and information which is no longer required will be anonymised or deleted.

8. AUTOMATED DECISION-MAKING

- 8.1. Automated decision-making is when a computer or similar electronic system uses personal information to make decisions about people without any human involvement. Profiling involves collecting various pieces of information about a person in order to analyse or evaluate certain aspects relating to that person or to make predictions about them (for example, how that person may behave or what their preferences are). Automated decision-making does not have to involve profiling, though it often will.
- 8.2. We do not use your personal information in automated decision-making, including profiling (i.e. we do not create profiles or make decisions about you based solely on automated decision-making without human involvement). If that changes, we will tell you.

9. WHAT ARE MY RIGHTS?

- 9.1. The UK GDPR gives you certain rights regarding how your information is collected and used. To exercise any of these rights, contact dpo@leicestercollege.ac.uk.
- 9.2. You have the following rights:
- the right to be informed about the collection and use of your personal data – this is called 'right to be informed';
 - the right to ask us for copies of your personal information we have about you – this is called 'right of access', and is also known as the right to make a subject access request (SAR), data subject access request or right of access request;
 - the right to ask us to change any information you think is not accurate or complete – this is called 'right to rectification';
 - the right to ask us to delete your personal information – this is called 'right to erasure';
 - the right to ask us to stop using your information – this is called 'right to restriction of processing';
 - the 'right to object to processing' of your information, in certain circumstances;
 - rights in relation to automated decision making and profiling;
 - the right to withdraw consent at any time (where relevant); and
 - the right to [complain to the Information Commissioner](#) if you feel we have not used your information in the right way.
- 9.3. Please note that some of these rights are only available in certain circumstances and may be subject to legal exemptions.
- 9.4. There are legitimate reasons why we may refuse your information rights request. For example:
- the right to erasure does not apply when the use of the data is necessary in

order to comply with a legal obligation; to establish or defend a legal claim; or to carry out a task in the public interest;

- the right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests;
- right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent.

9.5. We may also refuse your request if it is manifestly unfounded or excessive.

10. WHO CAN I CONTACT IF I HAVE ANY QUESTIONS OR CONCERNS?

10.1. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance. We will acknowledge all complaints within 30 days and aim to deal with them without undue delay. Please write to the Data Protection Officer at Leicester College, Freeman's Park Campus, Welford Road, Leicester, LE2 7LW or email dpo@leicestercollege.ac.uk.

11. PRIVACY NOTICE CHANGES

11.1. This Privacy Notice is regularly reviewed. This is to make sure that we continue to meet the highest standards and to protect your privacy. We reserve the right at all times, to update, modify or amend this Notice. We suggest that you review this Privacy Notice from time to time to ensure you are aware of any changes we may have made. The latest version of this Notice can be found on the College's website.