

# Privacy Notice

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**Introduction:** GDPR is new legislation taking effect from May 25<sup>th</sup>, 2018 relating to data protection. Unlike the Data Protection Act (1998), it holds to higher standards, placing the emphasis on people opting-in to surrendering personal data rather than being given only the option to opt-out. Your personal data is your property and when we seek to collect it, you need to know why, how we use it and how we protect it. This privacy note addresses these questions.

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## What personal data do we collect?

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.

Personal details that we collect about your child include:

- your child's name, date of birth, address, health and medical needs, development needs, languages spoken, and any special educational needs.
- Where applicable, child protection plans from social services and health-care plans from health professionals.
- Person who has parental responsibility for your child and any court orders pertaining to your child.

Personal details that we collect about you include:

- Your name, home and work address, phone numbers, emergency contact details, email address, family details such as siblings to your registered child.

This information will be collected from you directly in the admission form

If you apply for 2YO funding or the 30 hours funding, we may also collect:

- Your national insurance number or unique taxpayer reference (UTR), if you're self-employed.

## Why we collect this information

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

- contact you in case of an emergency
- to support your child's learning and development and to provide appropriate pastoral care
- to maintain contact with you about your child's progress and respond to any questions you may have
- to process your claim for up the free entitlement funding for 2, 3 & 4YOs
- to keep you updated with information about our service.

With your consent, we may include photographs and videos to support your child's learning and development. You will have the opportunity to withdraw your consent at any time, for images taken by confirming so in writing.

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. **N.B:** not all information you provide us with is mandatory. When it is optional, we will advise you of your choice to withhold or provide voluntarily.

## The lawful basis for collecting this information

The Childcare Act (2006, 2016), which give legal force to the Early Years Foundation Stage and the Children Act 2004 (relates to Safeguarding requirements).

## Who we share your data with

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
- Early Years Team, Oxfordshire County Council (when you claim free entitlement funding)
- The government’s eligibility checker for 2YO and the extended funded hours (16 – 30 hours)
- Our digital learning platform provider, MyMontessoriChild, to help deliver the curriculum.
- You as parents via the online parent portal
- The school that your child will be attending

We will also share your data if:

- We are legally required to do so, for example, by law, by a court
- To enforce or apply the terms and conditions of your contract with SMN.
- To protect your child and other children by sharing information with the Safeguarding Authorities
- It is necessary to protect SMN’s rights, property or safety
- We transfer ownership of the setting, and the prospective buyer continues the service in the same way.

We will never share your data with any other organisation to use for their own purposes.

## How do we protect your data?

We protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed as follows:

- Paper-based records, iPads and computer containing personal data are locked in a safe when not in use.
- All staff iPads use 2-stage password-protection to access personal data.
- The off-site office which has a back-up of paper records and uses a laptop with personal data is locked when not in use.
- We have in place data protection agreements with our providers (listed previously)

## How long do we retain your data?

Children’s records	Retention Period	Status	Legal basis
Children’s records - including registers, medication record books and accident record books pertaining to the children	If funded, 7 years (for auditing purposes by local council). If unfunded, 3 years (6 years if next school unknown)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1990
Records of any reportable death, injury, disease or dangerous occurrence		Recommendation	The Reporting of Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

## Automated decision-making

We do not make any decisions about your child based on any decision-making algorithms.

## Your rights with respect to your data

You have the right to:

- request access, amend or correct your/your child’s personal data
- request that we delete or stop processing your/your child’s personal data, if you deem it unnecessary.
- request that we transfer your, and your child’s personal data to another person

If you have concerns about the way we are collecting or using your personnel data, contact the Data Protection manager, P J Smith., in the first instance. Alternatively, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or [ico.org.uk/](http://ico.org.uk/)