

How We Use Your Information Privacy Notice for Pupils

The Kindertentens

May 2021



Pupil Privacy Notice for parents of younger pupils - Key Information

This notice contains the key information about how and why we collect your child's personal data and what we do with that information.

Personal data is information that identifies your child as an individual and relates to your child. For example, information about how well your child is doing at nursery and any information that we need to take care of your child. Photographs and videos of your child also count as their personal data.

We encourage you to read the full version of our pupil privacy notice which is published on The Kindergartens' website and can be found on the website. You can also obtain a copy of the full privacy notice by contacting The Kindergartens on 01622 833 331 or speaking to the Head of your child's nursery.

The full version includes additional points, such as:

- further information on the purposes for which we use your child's personal data;
- for how long The Kindergartens retains your child's personal data; and
- our lawful bases for using your child's personal data.

The Kindergartens uses your personal data in order to:

- Teach your child and our other pupils;
- Look after your child and others such as other pupils;
- Monitor the behaviour of your child and others and to take action where appropriate;
- Enable The Kindergartens to comply with its legal obligations, to assist The Kindergartens regarding the management and operation of The Kindergartens and to advance and protect The Kindergartens' interests, objects and reputation; and
- Fundraise, market and promote The Kindergartens. For example, by using photographs of our pupils in The Kindergartens prospectus, on The Kindergartens' website or in social media.

We set out below examples of the different ways in which we use your child's personal data and where that personal data comes from.

- Admissions forms give us lots of personal data about your child. We get information from you, your child's teachers and other pupils. Your child's old nursery also gives us information about your child so that we can teach and care for your child.
- Sometimes we get information from your child's doctors and other professionals where we need this to look after your child.
- We may need to share some information about your child with the government (e.g. the Department for Education). We will need to tell the local authority that your child attends The Kindergartens, if your child leaves The Kindergartens or let them know if we have any concerns about your child's welfare.
- We may use photographs or videos of your child for The Kindergartens' website and social media sites or prospectus to show prospective pupils what we do here and to advertise The Kindergartens. We may continue to use these photographs and videos after your child has left The Kindergartens.
- Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson.

- We publish our public exam results, sports fixtures and other news on the website and put articles and photographs in the local news to tell people about what we have been doing.

You can exercise the following rights regarding your child's personal data:

- correction of personal data held;
- access to personal data held;
- deletion of personal data in certain circumstances;
- portability - the transfer of personal data to you or a third party;
- restriction of use of personal data; and
- the right to object to the use of personal data in certain circumstances.

These rights are explained in more detail in the full privacy notice, and your child's Head can give you more information.

The Privacy Officer is the person responsible at our nursery for managing how we look after personal data. The Privacy Officer can answer any questions which you may have about how we use your child's personal data.

Introduction

This notice is to help you understand **how** and **why** we collect your child's personal data and what we do with that information. It also explains the decisions that you can make about your child's information.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

If you have any questions about this notice please talk to the Privacy Officer.

What is "personal data"?

Personal data is information that The Kindergartens holds about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. Photos of your child are also personal data.

Where we get your child's personal data from and who we share it with

We obtain your child's personal data from a number of different sources such as our teachers, parents, your child's previous nursery and any future school, other pupils and their parents, as well as from people outside of The Kindergartens such as the local authority.

We will also share information with these people and organisations.

The sections below contain further information about where we get your child's personal data from and with whom it is shared.

The purposes for which we use your child's personal data and the lawful bases

The Kindergartens uses your child's personal data in order to:

1. Teach your child and our other pupils;
2. Look after your child and others such as other pupils;
3. Monitor the behaviour of your child and others and to take action where appropriate;
4. Enable The Kindergartens to comply with its legal obligations, to assist The Kindergartens regarding the management and operation of The Kindergartens and to advance and protect The Kindergartens' interests, objects and reputation; and
5. Fundraise, market and promote The Kindergartens. For example, by using photographs of our pupils in The Kindergartens prospectus, on The Kindergartens' website or in social media.

Under data protection law, The Kindergartens can only use personal data if it has a lawful basis for doing so. The lawful bases that we are relying on when handling your child's information are as follows:

- **Legitimate interests:** This means that The Kindergartens is using your child's personal data where this is necessary for The Kindergartens' legitimate interests or someone else's legitimate interests. Specifically, The Kindergartens has a legitimate interest in educating and looking after its pupils, complying with its agreement with you for your child to be at The Kindergartens, protecting, promoting and improving The Kindergartens. Legitimate interests applies to all of the 5 purposes listed above.

- **Public task:** This allows The Kindergartens to use personal data where doing so is necessary in order to perform a task in the public interest. This basis applies to purposes 1, 2, 3 and 4 above. For example, we are performing a task in the public interest when we teach and look after your child.
- **Legal obligation:** The Kindergartens might need to use your child's information in order to comply with a legal obligation, for example, to report a concern to Children's Services. Occasionally The Kindergartens may have a legal obligation to share your child's personal data with third parties such as the court.
- **Vital interests:** In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed

The section below contains more information about our purposes for using your child's personal data and the lawful bases.

Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your child's personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what's set out above but goes into a lot more detail.

We have used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 35 below. **LI** means legitimate interests, **PI** means public task, **LO** means legal obligation and **VI** means vital interests. So where we use **(LI, PI)** that means we are relying on both legitimate interests and public task for that purpose.

- 1 Our main reason for using your child's information is to provide your child and other pupils with an education **(LI, PI)**.
- 2 The Kindergartens will also use your child's personal data to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) **(LI, PI, VI)**.
- 3 We will use information about your child during the admissions process. We may let your child's previous nursery know if they have been offered a place at The Kindergartens as they have a legitimate interest in finding out how what happens to their former pupils as this will help them support their other pupils when they leave The Kindergartens. The admissions forms which you complete give us personal data about your child such as their name, contact details, disabilities, any particular difficulties they have with work, hobbies and interests, medical information (such as information about an allergy) and family circumstances. We get information from your child, his / her teachers and other pupils. Your child's old nursery also gives us information about how well your child did and any difficulties they had if we need this information to teach and care for them **(LI, PI)**.
- 4 Sometimes we get information from your child's doctor and other professionals where we need this to look after your child **(LI, PI)**.
- 5 We need to tell all appropriate members of staff if your child has a health issue **(LI, PI)**.
- 6 We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks **(LI, PI)**.
- 7 We will need to share information about your child (e.g. about their health and wellbeing) with the doctor or counsellor **(LI, PI, VI)**.

- 8 If we have information that your child suffers from an allergy we will use this information so that we can look after your child (LI, PI, VI).
- 9 If we have information that your child suffers from a disability we will use information about that disability to provide support (LI, PI).
- 10 Where appropriate, The Kindergartens will have information about your child's religious or other beliefs and practices. For example, if your child does not eat certain foods (LI, PI).
- 11 We use CCTV to make sure The Kindergartens site is safe. Images captured of your child via CCTV will be your child's personal data. CCTV is not used in private areas such as changing rooms (LI, PI).
- 12 We will use your child's personal data to take other steps to make sure The Kindergartens site and buildings are safe, for example, we keep a record of who is on The Kindergartens sites at any given time] (LI, PI).
- 13 We record your child's attendance and if he or she has time away from The Kindergartens we record the reason(s) why (LI, PI).
- 14 We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends The Kindergartens, if your child leaves The Kindergartens or let them know if we have any concerns about your child's welfare. The local authority may also share information with us for these reasons (LI, LO, PI).
- 15 We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at The Kindergartens (LI, LO).
- 16 When we are inspected by Ofsted we will have to make your child's information available to the inspectors to assist them with their inspection (LI, LO, PI).
- 17 If The Kindergartens receives a complaint or grievance that involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child (LI, PI).
- 18 The Kindergartens may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan (LI, PI, LO).
- 19 We may use your child's information in connection with legal disputes (LI, PI, LO).
- 20 We will need information about any court orders or criminal petitions that relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at The Kindergartens (LI, PI).
- 21 Depending on where your child will go when they leave us we will provide their information to other schools. For example, we will share information about your child's exam results and provide references (LI, PI). If we hold safeguarding information about your child, we will share that with your child's next school.
- 22 If your child has a safeguarding file, we are legally required to pass this file to their next school (LI, LO, PI).
- 23 We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at nursery or if there is a burglary (LI, LO, PI).

- 24 We use consultants, experts and other advisors to assist The Kindergartens in fulfilling its obligations and to help run The Kindergartens properly. We will share your child's information with them if this is relevant to their work (LI, PI).
- 25 If your child has misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police (LI, LO, PI).
- 26 We may share some information with our insurance company to make sure that we have the insurance cover that we need or in connection with an actual or possible claim (LI, PI).
- 27 If The Kindergartens is dealing with a request for information, query, complaint or grievance (e.g. from a parent), we may need to share your child's information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved (LI, PI)
- 28 If you are based outside of the UK and have appointed an agent to act on your behalf during the admissions process (an overseas agent), then we may share information about your child with them. For example, we may send them the acceptance letter so that they can pass this on to you (LI).
- 29 We will share your child's academic and (where fair) their behaviour records with you [• or their education guardian] so you can support their education (LI, PI).
- 30 If ever in the future, we are considering restructuring or selling our business we may share your child's information with the other parties involved and with the relevant professional advisors (LI).
- 31 We will monitor your child's use of the internet and mobile electronic devices e.g. iPads. This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm. If you would like more information about this you can read the acceptable use of IT and email policy or speak to the Head of your child's nursery (LI, PI).

Please expand on how photographs and videos are used at The Kindergartens. We recommend having quite a bit of detail here to minimise the risk of complaints. Tapestry Notice currently sent

We may use photographs or videos of your child for The Kindergartens' website and social media sites or prospectus to show prospective pupils what we do here and to advertise The Kindergartens. We will continue to use these photographs and videos after your child has left The Kindergartens (LI, PI).

Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson (LI, PI).

We also use Tapestry as an online photo portal to track your child's learning journey during their time at The Kindergartens. For further information about how Tapestry uses your child's personal data please refer to the Tapestry documents issued at the start of the year.

If you have any concerns about us using photographs or videos of your child please speak to the Head of your child's nursery.

- 32 The Kindergartens must make sure that its computer systems are working well and are secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child (LI).

- 33 We may share your child's information with the other nurseries in the group. For example, to share examples of good practice (LI, PI).
- 34 From time to time, we use a third party to provide activities such as an external sports coach. We may share your child's information with them, for example, to tell them what sports they are good at (LI, PI).
- 35 Some of the records The Kindergartens keeps and which contain your child's personal data may be used by The Kindergartens (or by someone else such as the government) to check that The Kindergartens has been a good nursery (LI, PI).

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using your child's information. In addition, we may move from one of the lawful bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on "legal obligation" to share personal data with the local authority in addition to the other lawful bases that are noted for safeguarding purposes.

We use contractors to handle personal data on our behalf for the following purposes:

- a) IT consultants who might access information about your child when checking the security of our IT network;
- a) We use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils; and
- b) we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on The Kindergartens site.

If you have any questions about any of the above, please speak to the Head of your child's nursery.

The Kindergartens has extra obligations in relation to some types of more sensitive personal data. This applies to information about racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, information about sex life or orientation, information about criminal convictions or offences and trade union membership (e.g. if you are a member because of an apprenticeship). When The Kindergartens handles these types of information it will usually be doing so because:

- It is in the substantial public interest to do so, for example, to provide you with an education, to look after you and your child's classmates or when The Kindergartens is inspected.
- For medical purposes. This includes medical treatment and the management of healthcare services.
- The Kindergartens is an employer (e.g. we employ our teachers). Also The Kindergartens will use your child's information to comply with social protection law (e.g. to look after you) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.
- To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.
- It is necessary for the establishment, exercise or defence of legal claims. For example, this allows us to share information with our legal advisors and insurers.

Consent

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your child's personal data you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to [• your child's form teacher] if you would like to withdraw any consent given.

Sending information to other countries

When The Kindergartens sends personal data outside of the UK, we have to consider if the other country has the same level of protection for personal data as there is in the UK. Some countries are considered by the UK Government to have adequate rules and this includes all of the European Economic Area and some other countries, such as, New Zealand, Argentina and Japan.

In certain circumstances, we may send your child's information to countries which do not have the same level of protection for personal data as there is in the UK. For example, we may store your child's information on cloud computer storage based in the USA.

We will provide you with details about where we are sending your child's personal data, whether the country has an adequacy decision and if not the safeguards which we have in place outside of this privacy notice.

If you have any questions about the safeguards that are in place please contact the Privacy Officer.

For how long do we keep your child's information?

We keep your child's information for as long as we need to in order to educate and look after them. We will keep a lot of information after your child has left The Kindergartens, for example, so that we can find out what happened if you make a complaint.

In some cases we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Information and Records Retention Policy for more detailed information. This can be found on our website.

What decisions can you make about your child's information?

Data protection legislation allows you to exercise a number of rights regarding your child's personal data. The rights are as follows:

- **Correction:** if personal data held by The Kindergartens about your child is incorrect you can ask us to correct it.
- **Access:** you can also ask what personal data we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this personal data about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the personal data that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's personal data to you or to a third party in a format that can be read by computer in certain circumstances. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process

your child's personal data is consent or contract (please see "Our lawful bases for using your information" above); and (c) the personal data is being processed by us on computer.

- **Restriction:** you can request that we restrict how we use your child's personal data.
- **Object:** you may object to us using your child's personal data where:
 - we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);
 - the lawful basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our lawful bases for using your child's personal data" above;
 - If we ever use your child's personal data for scientific or historical research purposes or statistical purposes.

The Privacy Officer can give you more information about your child's data protection rights.

Further information and guidance

This notice is to explain how we look after your child's personal data. The Privacy Officer can answer any questions which you might have.

Like other organisations we need to keep your child's personal data safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the personal data we get fairly.

Please speak to the Privacy Officer if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you or your child fails to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to lodge a complaint with a data protection supervisory authority. The supervisory authority in the UK is the Information Commissioner's Office (ico.org.uk). If you do have any concerns about how we have handled your child's personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.