

**Privacy Notice**

Setting Manager: Jane Johnson

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Policy Approved by: Aston-on-Trent Pre-School Committee Date: March 2024

Policy reviewed by: Date:

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This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you.

We are required to give you this information under data protection and including the UK General Data Protection Regulation and the Data Protection Act 2018.

Aston on Trent Preschool collects, processes and is responsible for certain personal information about you in accordance with the above legislation and we are responsible as ‘controller’ of that personal information for the purposes of those laws.

While providing education and care, we retain the following information:

* Personal information (such as name, date of birth, gender, home address and postcode)
* Special category data (such as special educational needs (SEN) information, ethnicity, relevant medical information)
* Parents/Carers Information (such as name, date of birth, National Insurance or National Asylum Support Service Number)
* Financial eligibility information (such as 30 hours codes)
* Attendance information (such as sessions attended, number of absences and absence reasons) We also obtain personal information from other sources to support the learning, development and safeguarding of your child. These include:
* South Derbyshire District Council
* Previous provisions attended by your child.
* Health Visitors.
* Social Care.
* HMRC to check and calculate free entitlement.
* Support Services.

Please note the data is only used educational and safeguarding purposes and is destroyed in line with our retention schedule(s). Reasons we retain data include:

* To provide appropriate pastoral care and support services to children.
* To obtain funding for the provision
* To obtain advice, support and guidance to the setting from external services.
* To enable financial and policy compliance checks of the setting.
* To assess and improve the quality of our services
* To comply with the law regarding data sharing
* To safeguard children

 **How long your personal data will be kept?**

We will hold financial information securely and retain it for 7 years, after which the information is securely destroyed. Safeguarding information is retained for the DOB of the child, plus an additional 25 years. All other data relating to the child is transferred with them to their future setting(s). If a destination is unknown, data is stored securely until the child were to reach end of their higher education (DOB + 18 years). You can request to view our full retention schedule for a more detailed view of our retention and destruction plan for different data types,

**Reasons we can lawfully collect and use your personal information**

We collect and use personal information to comply with our legal obligations under section 537A of the Education Act 1996, section 83 of the Children Act 1989, and to carry out tasks in the public interest. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment). Under the UK GDPR the lawful bases we rely on for processing this information are:

* Article 6(a) - Consent (for any processing which does not fall into the bases detail within this section below).
* Article 6(c) - Compliance and Legal Obligation (Children Act 1989, the Childcare Act 2006, Children and Families Act 2014 and Education Act 1996.
* Article 6(e) - Public Interest Our legal basis for processing special category data
* Article 9(2g) - Processing is necessary for reasons of substantial public interest.
* Data Protection Act 2018-part 2 schedule 1.
* Equality of Opportunity or Treatment.
* Safeguarding Children and Individuals at Risk Who we share your personal information with.
* Department for Education (DfE) (statutory for early years funding and policy monitoring).
* Derbyshire County Council Finance Team (to provide funding).
* Other local authorities, or other early years settings, to resolve duplicate claims and funding queries.
* Derbyshire County Council services working to improve outcomes for children and young people.
* Commissioned providers of local authority services (such as education services)
* Local multi-agency forums which provide SEND advice, support and guidance.
* Schools that you attend after leaving us.
* Partner organisations signed up to the Derbyshire Partnership Forum Information Sharing Protocol, where necessary, which may include, school nurses, doctors and mental health workers and hospital trusts.
* Contracted providers of services (such as external photographers and catering providers) where consent has been given.
* Law enforcement or other authorities if required by applicable law.
* The National Pupil Database (NPD)
* The DfE as part of statutory data collections such as the school census and early years’ census. Some of this information is then stored in the NPD. *The law that allows this is the Education 57 PUBLIC April 2023 (Information About Individual Pupils) (England) Regulations 2013. The NPD is owned and managed by the DfE and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the DfE. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.*
* The DfE may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:
* conducting research or analysis
* producing statistics
* providing information, advice or guidance The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:
* who is requesting the data.
* the purpose for which it is required.
* the level and sensitivity of data requested.
* the arrangements in place to store and handle the data To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

**Your Rights**

Under the GDPR you have rights which you can exercise free of charge which allow you to:

* Know what we are doing with your information and why we are doing it.
* Ask to see what information we hold about you (Subject Access Request).
* Ask us to correct any mistakes in the information we hold about you.
* Object to direct marketing.
* Make a complaint to the Information Commissioner's Office.
* Withdraw consent (if applicable) Depending on our reason for using your information you may also be entitled to: Ask us to delete information we hold about you; have your information transferred electronically to yourself or to another organisation; object to decisions being made that significantly affect you; object to how we are using your information or Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you. 58 PUBLIC April 2023.

For further information about your rights, including the circumstances in which they apply, see the guidance from the Information Commissioner's Office (ICO) on individuals’ rights under the General Data Protection Regulation. If you would like to exercise a right, **please contact Debbie Hoddinott at astonontrentpreschooloffice@gmail.com**

**Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach.

We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so. Who to Contact and Where to go for Further Information **Please contact Debbie Hoddinott at** **astonontrentpreschooloffice@gmail.com**to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for. For more information about services for young children, please go to Derbyshire County Council’s website at www.derbyshire.gov.uk or visit the website Derbyshire Local Offer to find the support available for children with special educational needs or disabilities.

The General Data Protection Regulation also gives you the right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted to make a complaint (www.ICO.org.uk)or telephone 03031 231113.

For further information on how Derbyshire County Council uses your information visit privacy notices ([www.derbyshire.gov.uk](http://www.derbyshire.gov.uk))

To find out more about the pupil information we share with the DfE, for the purpose of data collections, go to Early years census ([www.gov.uk](http://www.gov.uk)).

To find out more about the NPD, go to How to access Department for Education (DfE) data extracts ([www.gov.uk](http://www.gov.uk)).

For more information about the DfE’s data sharing process, please visit: Data protection: how we share pupil and workforce data ([www.gov.uk](http://www.gov.uk)).

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: DfE external data shares ([www.gov.uk](http://www.gov.uk)).

To contact DfE: Contact the Department for Education (DfE) (www.gov.uk).