



## Privacy Notice for nursery children (How we use children's information)

The nursery school uses various sources of childrens information to make improvements to the educational experience and achievements for existing and future children at the nursery school.

### The categories of children's information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address, parent/guardian)
- Characteristics (such as ethnicity, language, nationality, country of birth and free nursery school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Medical conditions
- Special Educational Needs and Disability
- Behaviour and exclusions
- Education/nursery school history
- Siblings information

Information the nursery school collects has been identified in the 'Information Audit' document, which can be accessed on the nursery school's website. If there is any reason that the nursery school is holding information, which has been omitted from the document, then the nursery school will update the document immediately they are aware it.

## Why we collect and use this information

The nursery school collects and holds personal information relating to pupils and may also receive information about them from their previous nursery school, local authority and/or the Department for Education (DfE). We use this personal data to:

- support our childrens' learning
- monitor and report on their progress
- provide appropriate pastoral care
- assess and audit the quality of our services
- protect public monies against fraud
- to comply with the law regarding data sharing
- to safeguard children

Examples of information needed to fulfil the above may be kept about a child to monitor national curriculum assessment results, attendance information, exclusion information, where children go after they leave the nursery school and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. Photographs, achievements and statistical information may be used to benchmark the quality of the children experiences offered by the nursery school.

## The lawful basis on which we use this information

On the 25th May 2018 the Data Protection Act 1998 will be replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR will be:

### Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(c) Processing is necessary for compliance with a **legal obligation** to which the controller is subject;

(e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller;

### Article 9(2)

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of

employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
  - (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special nursery schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special nursery school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A - states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 - Section 83 - places a duty on the Secretary of State or others to conduct research.

## Collecting childrens information

Whilst the majority of child information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

## Storing childrens data

We hold child data for the duration of time each the child remains a child of the nursery school.

## Who we share children's information with

We routinely share child information with:

- nursery schools that child's attend after leaving the nursery school
- the local authority
- the Department for Education (DfE)
- NHS/nursery school nurse
- Third party professional services i.e. Social Services, Social Care Teams

## Why we share childrens information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins nursery school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

## Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the nursery school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-nursery-schools>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in nursery schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical

purposes. This information is securely collected from a range of sources including nursery schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the nursery school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department 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 Department 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: and
- 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.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

## Requesting access to your personal data

Under data protection legislation, parents and children have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the Head Teacher.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Contact

If you would like to discuss anything in this privacy notice, please contact:

Sarah Brooking, Head Teacher, Data Protection Controller, or

Ruth Hawker, Data Protection Officer, Plumsun Ltd [www.plumsun.com](http://www.plumsun.com)