

NURSERY PRIVACY NOTICE

INTRODUCTION

1. We respect your privacy and are committed to protecting your personal data.
2. This privacy notice sets out details of the data that we may collect from you and how we may use that information.
3. This privacy notice also tells you about your privacy rights and how the law protects you. We have a legal duty under the Data Protection Act 2018 ("DPA 2018") and General Data Protection Regulation (Regulation EU 2016/679) ("the GDPR") to handle your information in certain ways.
4. This privacy notice is provided in a layered format so you can click through to the specific areas set out below.
5. Please take your time to read this privacy notice carefully.

ABOUT US

6. In this Privacy Policy we use "we" or "us" or "our" or "Berkshire Healthcare" to refer to Berkshire Healthcare NHS Foundation Trust including the nurseries (which is a statutory public benefit corporation established under the National Health Service Act 2006 (as amended)). We use "you" as "your child" or "family"

OUR DATA PROTECTION OFFICER AND HOW TO CONTACT US

7. Berkshire Healthcare NHS Foundation Trust ("Berkshire Healthcare") is the data controller for the information we collect about you.
8. The Data Protection Officer ("DPO") for Berkshire Healthcare is the Clinical Information Governance Manager. If you have any questions about this privacy notice, please contact the Data Protection Officer using the details set out below:

Email: information.governance@berkshire.nhs.uk

Postal address:

Berkshire Healthcare NHS Foundation Trust
Fitzwilliam House
Skimped Hill Lane
Bracknell
Berkshire
RG12 1BQ

Telephone number: 01344 415600

CHANGES TO THIS PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

9. This privacy notice was last updated on 24th May 2018 [and historical versions can be obtained by contacting us.]
10. It is important that the personal data we hold about you is accurate and current. This is particularly important if you are a patient or service user. Please keep us informed if your personal data changes during your relationship with us.

COMPLAINTS ABOUT HOW WE HANDLE YOUR INFORMATION

11. You have the right to make a complaint at any time to the Information Commissioner's Office ("**the ICO**"), the UK supervisory authority for data protection matters (**website:** www.ico.org.uk / **address:** Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF / **telephone:** 0303 123 1113). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance. If you wish to contact us to make a complaint, you can do so by contacting our Chief Executive, whose contact details are as follows:

Email: BHCT.complaints@berkshire.nhs.uk

Address: as above

Phone: 01344 415662

PURPOSE OF THIS PRIVACY NOTICE:

12. This privacy notice aims to explain:
 - a) Why do we collect data about you?
 - b) What data do we collect about you?
 - c) How do we collect your information?
 - d) What are the purposes for which your data is used?
 - e) Who do we share your data with?
 - f) How long do we keep your data for?
 - g) What are your rights?

A) WHY DO WE COLLECT DATA ABOUT YOU?

13. In general terms, we collect and process your data for the purposes of early years care and education. We will collect and process data for other purposes, including those which are incidental to the provision of childcare.

B) WHAT DATA DO WE COLLECT ABOUT YOU?

14. The data that we collect will depend on your relationship with us.

15. We may use “sensitive personal information” (otherwise known as "special categories of data") about you, such as information relating to your child’s physical and mental health.
16. If you provide personal information to us about other individuals you should inform the individual about the content of this privacy notice. We will process such information in accordance with this privacy notice.

Personal information

17. The personal information we hold about you may include the following:

- a) Name, address, date of birth.
- b) Telephone numbers.
- c) Next of kin / emergency contact.
- d) Parents’ names, addresses, contact numbers, email addresses
- e) Who has parental responsibility for the child
- f) Emergency contact names, addresses and contact number
- g) Child’s doctor’s name and contact number
- h) Health clinic/health visitor
- i) Child’s NHS number
- j) Any allergies/medical history/ requirements
- k) Information about immunisations
- l) Whether the child has any special educational needs or disabilities
- m) Home language
- n) Parents National Insurance number
- o) 11 digit unique code for 30 hours funding where applicable
- p) Bank account details, provided for deposit refunds only

Sensitive Personal Information

18. The sensitive personal information we hold about you may include the following:

- a) Details of you or your child’s current or former physical or mental health care needs. This may include information about any health care they have received or need, including about clinic and hospital visits and medicines administered.
- b) Details of additional services you or your child have received from mutli professionals.
- c) Information relevant to your child’s continued care from other people who care for them or know you well, such as other health professionals and relatives.
- d) Details of your race and/or ethnicity.
- e) Details about any disabilities.

- f) Details about your language preferences.
- g) Details of your religion.

C) HOW DO WE COLLECT YOUR INFORMATION?

19. How we collect your information will depend on your relationship with us. In general terms, we will collect personal data from you in a number of different ways as is explained below.

Directly from you

20. Information may be collected directly from you when:

- a) you submit a query to us including through our website, or by email.
- b) you correspond with us by email, or telephone
- c) you enrol as a customer with Berkshire Healthcare for the provision of nursery services.
- d) you use our services.
- e) you complete forms (whether in electronic or hard copy form) regarding the provision of nursery healthcare services.

From your use of our website

21. Information may be collected from you when you interact with our website. We may automatically collect technical data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please [click here](#) to see our cookies policy for further details.

From other supporting professionals

- a) Individual records from other supporting professionals (including speech and language, physiotherapy, education psychologist

D) WHAT ARE THE PURPOSES FOR WHICH YOUR DATA IS USED?

22. In general, we may process your data for a number of different purposes. For each purpose we must have a legal ground for such processing. When the information that we process is classed as a special category of personal data, which is the most sensitive form of personal data from a legal perspective, we must have a specific additional legal ground for such processing.

23. Generally we will rely on the following legal grounds:

- a) Taking steps at your request so that you can enrol you as childcare service user.
- b) For the purposes of providing you with childcare. We will rely on this for activities such as supporting your child's learning and development or care routines.
- c) We have a legitimate interest to process your personal data and this interest is not overridden by your privacy rights. We will rely on this for activities such as quality assurance, maintaining

our business records and developing and improving the care and education we delivers . More detailed information about our legitimate interests is set out below.

- d) We have a legal or regulatory obligation to process your data.
- e) We need to use your personal data to establish, exercise or defend our legal rights.
- f) It is in the public interest, in line with any laws that apply.
- g) You have provided your consent to our use of your personal data. Ordinarily, we will only ask you for permission to process your personal information if there is no other legal reason to process it. You have the right to withdraw your consent at any time.

Legitimate interests

24. We may process your data for a number of legitimate interests in circumstances where these interests are not overridden by your privacy rights. We will rely on this for activities such as quality assurance, maintaining our business records and developing and improving our products and services. Taking into account your privacy rights, our legitimate interests include:

- a) To manage our relationship with you and third parties who provide services for us.
- b) To keep our records up to date.
- c) To take part in, or be the subject of, any transfer or termination of functions in respect of Berkshire Healthcare.

25. You will find details of our legal grounds for each of our processing purposes below.

Purpose 1: to set you up as a childcare service user on our systems including carrying out any regulatory checks or checks required by law

Legal grounds:

- Fulfilling any contractual obligations for the delivery of childcare and related services to you.

Purpose 2: to provide you with childcare and related services

Legal grounds:

- Providing you with childcare and related services

Purpose 3: Communicating with you and resolving any queries or complaints that you might have.

Legal grounds:

- Providing you with childcare services and related services
- We have a legitimate interest to use your data which does not overly prejudice you.

Additional legal ground for sensitive personal data:

- The use is necessary in order for us to establish, exercise or defend our legal rights.

Purpose 4: Complying with our legal or regulatory obligations

Legal grounds:

- The use is necessary in order for us to comply with our legal obligations.
- We have a legitimate interest to use your data which does not overly prejudice you.

Additional legal ground for sensitive personal data:

- The use is necessary in order for us to establish, exercise or defend our legal rights.
- The use is necessary for reasons of substantial public interest.

Purpose 5: Providing improved quality, training and security (for example, in relation to information received on our questionnaires or feedback published on our website).

Legal grounds:

- We have a legitimate interest to use your data which does not overly prejudice you.

Additional legal ground for sensitive personal data:

- The use is necessary in order for us to establish, exercise or defend our legal rights.

Purpose 6: Managing our business operations such as maintaining accounting records, analysis of financial results, internal audit requirements, receiving professional advice (for example, tax or legal advice)

Legal grounds:

- We have a legitimate interest to use your data which does not overly prejudice you.

Purpose 7: For account settlement purposes

Legal grounds:

- Fulfilling our contract with you for the delivery of childcare and related services.
- We have a legitimate interest to use your information which does not overly prejudice you.

E) WHO DO WE SHARE YOUR DATA WITH?

26. We may disclose your information to the third parties listed below for the purposes described in this privacy notice.

- a) A doctor, nurse, carer or any other healthcare professional involved in your child's treatment
- b) Other members of support staff involved in the delivery of your child's care, such as a health visitor or speech and language therapist
- c) Anyone that you ask us to communicate with or provide as an emergency contact, for example your child's next of kin, carer
- d) NHS organisations, such as other NHS foundation trusts

- e) Other healthcare provider
- f) Our regulators, including Ofsted
- g) Government bodies, including departments (such as the Department for Work and Pensions) and local authorities
- h) Emergency services, including police forces
- i) The police and other third parties where reasonably necessary for the prevention or detection of crime
- j) Our third party services providers such as, auditors, lawyers and document management providers
- k) Selected third parties in connection with any transfer or termination of our functions
- l) Our local authority through the Free Childcare and Early Education Entitlement headcount and annual Early Years Census
- m) Our Local Authority for the purposes of funded services that they support.
- n) Inclusion teams, SEN panels
- o) Local Children's safeguarding boards / LADO
- p) Other providers that children attend
- q) Multi agency professionals working with individual children
- r) Care or educational bodies

27. Where we regularly share information, we are required to have in place information sharing agreements.

International transfers

28. We do not transfer your personal data outside the European Economic Area ("EEA").

F) HOW LONG DO WE KEEP YOUR DATA FOR?

29. We will only keep your personal information for as long as reasonably necessary to fulfil the relevant purposes set out in this privacy notice and in order to comply with our legal and regulatory obligations.

30. Where your records are stored electronically Berkshire Healthcare has ensured that the storage facilities are secure and in line with Information Security principles (ISO27001) within the United Kingdom or EEA. Any photographs of your child will be removed from the storage facilities when they or all of the children in the picture have left the nursery. We will delete photographs on a regular basis, commonly in September and March

F) WHAT ARE YOUR RIGHTS?

31. Under certain circumstances, you have rights under data protection law in relation to your personal data. These are:

- h) **To be informed why, where and how we use your information** – this is detailed in this privacy notice statement.

- i) **To ask for access to your information** – You can request a copy of the information we hold about you by [downloading this form](#). The information will be assessed and may have information provided by third parties or about third parties removed before it is given to you. The Berkshire Healthcare Subject Access Request policy is available by contacting the DPO at the address on this page.
- j) **To ask for your information to be corrected if it is inaccurate or incomplete.** – If you think any information about you held by the Berkshire Healthcare nurseries is incorrect, please discuss this with the service manager in person, or by contacting the Data Protection Officer. We will discuss the changes with you and write to you to explain our decision.
- k) **To ask for your information to be deleted (also known as the right to be erasure) or removed where there is no need for us to continue processing it.** In some circumstances, we must delete your personal information if you ask us to but in many other circumstances where we have a valid legal reason to retain your personal information. We do not have to comply with requests to delete personal information.
- l) **To ask us to restrict the use of your information.** In some circumstances, we must "pause" our use of your personal data if you ask us to. We do not have to comply with all requests to restrict our use of your personal information. For example, we do not have to comply if we need to use your personal information to defend a legal claim against us.
- m) **To ask us to copy or transfer your information from one IT system to another in a safe and secure way, without impacting the quality of the information.** In some circumstances, we must transfer personal information that you have provided to us to you or, if this is technically feasible, another individual or organisation of your choice. The information must be transferred in an electronic format.
- n) **To object to how your information is used.** – Where your information is used for research or statistical purposes you can object to it being processed for this purpose. Please make requests in writing to the Data Protection Officer or to the Berkshire Healthcare service you have used advising what changes you would like. Berkshire Healthcare does not participate in direct marketing and will never pass your information to anyone for this purpose.
- o) **To challenge any decisions made without human intervention (automated decision making)** – information about your health may be entered into clinical applications to provide health recommendations but we will never carry out automated decision making that prevents healthcare or requires you to enter into a legal contract.
- p) **To withdraw consent where Berkshire Healthcare has relied on this as a condition for processing.**

32. If you wish to exercise any of the rights set out above, please contact us using the details in the "how to contact us" section in this notice.

Fee

33. You will not usually have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

34. We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

35. We are obliged by law to respond to all legitimate requests within one month unless your request is particularly complex or you have made a number of requests. In this case, we can take an extra two months to respond to the request and consider charging a fee. If this is the case we will notify you and keep you updated

