



Egerton Nursery and Out of School Club

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GDPR PRIVACY NOTICE

Document History

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List of Abbreviations Used

ENOOSC	Egerton Nursery & Out of School Club
NDNA	National Day Nurseries Association
GDPR	General Data Protection Regulations



Questions and concerns

If you have any questions about this privacy notice, please contact The Manager. Full contact details and Company Registrations are detailed below.

Registered Name: Egerton Out of School Club Limited t/a Egerton Nursery & Out of School Club (ENOOSC)

Registered Charity Number: 1064696 | Company Registration Number:3325990 | OFSTED Number: 315991

Information Commissioner's Office: ZA327395

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EGERTON NURSERY AND OUT OF SCHOOL CLUB – GDPR PRIVACY NOTICE

WHAT IS THE PURPOSE OF THIS DOCUMENT?

Egerton Out of School Club Limited trading as Egerton Nursery and Out of School Club (ENOOSC) (“the Nursery and Out of School Club” or “ENOOSC” or “we”) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how the Nursery and Out of School Club collects and uses personal information about director/trustees of ENOOSC (“Director/Trustees”), employees of ENOOSC (“Employees”), children attending ENOOSC (“Child” or “Children”) and the parents/guardians of the Children (“Parents”) (known collectively as “You” or “Your”), in accordance with the General Data Protection Regulation (GDPR).

Egerton Out of School Club Limited trading as Egerton Nursery and Out of School Club is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about You. We are required under data protection legislation to notify You of the information contained in this privacy notice.

This notice applies to Director/Trustees, Employees, Children and Parents. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide You with an updated copy of this notice as soon as reasonably practical.

It is important that Director/Trustees, Employees, Children and Parents read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about You, so that You are aware of how and why we are using such information and what Your rights are under the data protection legislation.

DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about You must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to You and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told You about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told You about.
6. Kept securely.

THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s health or sexual orientation.

**Director/Trustee:**

We will collect, store, and use the following categories of personal information about Director/Trustees:

- Personal contact details such as names, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Nationality.
- Date of Appointment and Date of resignation and positions held whilst Director/Trustee.
- Unique Disclosure and Barring Service (DBS) reference number
- Recruitment information (including statutory required periodic declarations, business and other conflicts of interest and other information such as skills, experience and training included or as part of the application process).
- Attendance and Absence, including apologies for absence, from meetings
- Information about your use of our information and communications systems.
- Records of any reportable death, injury, disease or dangerous occurrence.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about Director/Trustees’ race or ethnicity.
- Information about a Director/Trustees’ special requirements required to enable them to fulfil their role.
- Bank Account Details if required by our bank and investment companies to allow us to operate Charity funds.
- Personal information for password information required by Companies House or the Charity Commission.

Employees:

We will collect, store, and use the following categories of personal information about Employees:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details, payroll records and tax status information.
- Pay rate, hours worked, annual leave, pension and employment benefits information.
- Start date and, if different, the date of an Employee’s continuous employment.
- Place of employment.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, holidays, training records, unique DBS numbers and professional memberships).
- Personnel files and training records including performance information, required staff declarations, disciplinary and grievance information, and working time records.
- Information about your use of our information and communications systems.
- Records of any reportable death, injury, disease or dangerous occurrence.



We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about an Employee’s race or ethnicity.
- Information about an Employee’s health, including any medical condition, accident, health and sickness records, including:
 - details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
 - where an Employee leaves employment and the reason for leaving is related to their health, information about that condition needed for pensions and permanent health insurance purposes.

Children:

We will collect, store, and use the following categories of personal information about Children:

- Name
- Date of birth
- Home address
- Dietary requirements
- Attendance information
- Photographs and video clips of the Child at ENOOSC, for general display purposes (see also detailed permissions form)
- Emergency contact should Parents be unavailable and the emergency contact’s contact details, including chosen password.
- Records relating to individual Children e.g. care plans, common assessment frameworks, speech and language referral forms
- Accidents and pre-existing injuries forms
- Records of any reportable death, injury, disease or dangerous occurrence

In addition, for children attending our Nursery

- Record book for each Child containing the work of the Child whilst at ENOOSC, observations about the Child’s development whilst at ENOOSC from Employees of ENOOSC, specific examples of the Child’s progress, photographs demonstrating the Child’s development whilst at ENOOSC, and personal details of the Child (e.g. their date of birth) (“Progress Report”)
- Observation, planning and assessment records of Children
- In the case of claiming funding hours, we may need to share the names of the childcare settings that your child attends stating the amount of hours that are being claimed with the funding authority.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about a Child’s race or ethnicity, spoken language and nationality.
- Information about a Child’s health, including any medical condition, health and sickness records.
- Information about a Child’s accident or incident reports including reports of pre-existing injuries.
- Information about a Child’s incident forms / child protection referral forms / child protection case details / reports.

**Parents:**

We will collect, store, and use the following categories of personal information about Parents:

- Name
- Home address
- Telephone numbers, and personal email addresses.
- National Insurance number and unique reference number for childcare funding and tax-free childcare payments where applicable.
- Bank account details, where applicable, for example , for refund purposes

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about a Parent’s race or ethnicity, spoken language and nationality.
- Conversations with Parents where Employees of ENOOSC deem it relevant to safeguarding.

HOW IS YOUR PERSONAL INFORMATION COLLECTED?**Director/Trustee:**

We collect personal information about Director/Trustees through the application, recruitment and appointment processes.

We will collect additional personal information in the course of post-related activities throughout the period of when a Director/Trustee is legally in post.

Employees:

We collect personal information about Employees through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of when an Employee works for us.

Children and Parents:

We collect personal information about Children and Parents from when the initial enquiry is made by the Parents, through the enrolment and admission processes and until the Children stop using ENOOSC’s services.

HOW WE WILL USE INFORMATION ABOUT YOU

We will only use Your personal information when the law allows us to. Most commonly, we will use Your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with You.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and Your interests and fundamental rights do not override those interests.

We may also use Your personal information in the following situations, which are likely to be rare:

1. Where we need to protect Your interests (or someone else’s interests).
2. Where it is needed in the public interest or for official purposes.

Situations in which we will use Director/Trustee personal information

We need all the categories of information in the list above (see Director/Trustee section within the Paragraph entitled 'The Kind of Information We Hold About You') primarily to allow us to enable us to comply with legal obligations and perform day to day operations on behalf of the Director Trustees. The situations in which we will process Director/Trustees personal information are listed below.

- Making a decision about a Director/Trustee's recruitment or appointment or assessing qualifications for a particular job or task on behalf of the board of Director Trustees
- Checking a Director/Trustee is legally entitled to be appointed to the position.
- Appointing or removing a Director/Trustee from their position as Director with Companies House or Trustee with the Charity Commission.
- To enable the Board of Director/Trustees to fulfil their obligations as detailed in the governing document - the articles and memorandum of association.
- Making the statutory annual report, accounts and returns to our accountants, the Charity Commission and Companies House, our current bank, the Co-operative Bank, and funding and grant making bodies bodies such as Bolton Council.
- In the public record for the Charity Commission (name and position only) and Companies House (name, nationality, occupation (or former occupation), Date of birth, Correspondence address (this can be the same as our registered address as long as your home address has also been supplied).
- In the public record of each meeting (minutes) of the Board of Director Trustees when approved.
- Complying with health and safety obligations.
- Training and development requirements, where appropriate
- To prevent fraud.
- Equal opportunities monitoring.

Situations in which we will use Employee personal information

We need all the categories of information in the list above (see Employee section within the Paragraph entitled 'The Kind of Information We Hold About You') primarily to allow us to perform our contracts with Employees and to enable us to comply with legal obligations. The situations in which we will process Employee personal information are listed below.

- Making a decision about an Employee's recruitment or appointment.
- Checking an Employee is legally entitled to work in the UK. Paying an Employee and, if an Employee is an Employee or deemed Employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- Providing any Employee benefits to Employees.
- Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.
- Liaising with the trustees or managers of a pension arrangement operated by ENOOSC, your pension provider and any other provider of employee benefits.
- Administering the contract we have entered into with an Employee.
- Conducting performance and/or salary reviews, managing performance and determining performance requirements.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about an Employee's continued employment, engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving Employees, including accidents at work.

- Ascertaining an Employee's fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- Equal opportunities monitoring.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of an Employee's personal information.

Situations in which ENOOSC will use personal information of Children

We need all the categories of information in the list above (see Children section within the Paragraph entitled 'The Kind of Information We Hold About You') primarily to allow us to perform our obligations (including our legal obligations to Children). The situations in which we will process personal information of Children are listed below.

- Upon consent from the Parents, Personal Data of Children will be shared with schools for progression into the next stage of their education.
- Personal information of Children will be shared with local authorities without the consent of Parents where there is a situation where child protection is necessary.
- The personal information of Children will be shared with local authorities without the consent of Parents for funding purposes.
- Ofsted will be allowed access to ENOOSC's systems to review child protection records.
 - To ensure we meet the needs of the Children
 - To enable the appropriate funding to be received
 - Report on a Child's progress whilst with ENOOSC
 - To check safeguarding records
 - To check complaint records
 - To check attendance patterns are recorded
 - When a Child's Progress Report is given to its Parent in order for that Parent to pass the same Progress Report to a school for application or enrolment purposes.
- The personal information of Children will be shared with other professionals with the consent of Parents for improving the child's outcomes.

Situations in which ENOOSC will use personal information of Parents

We need all the categories of information in the list above (see Parents section within the Paragraph entitled 'The Kind of Information we Hold About You') primarily to allow us to perform our contracts with Parents and to enable us to comply with legal obligations. The situations in which we will process personal information of Parents are listed below.

- The personal information of Parents will be shared with local authorities without the consent of Parents for funding purposes.
- To report on a Child's attendance

- To be able to contact a Parent or a Child's emergency contact about their Child
- To ensure fees are paid

If Director/Trustees, Employees and Parents fail to provide personal information

If Director/Trustees, Employees and Parents fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with Director/Trustees, Employees and Parents, or we may be prevented from complying with our respective legal obligations to Director/Trustees, Employees, Children and Parents.

Change of purpose

We will only use Your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use Your personal information for an unrelated purpose, we will notify the Director/Trustee, Employee, Child or Parent, as is appropriate in the circumstances, and we will explain the legal basis which allows us to do so.

Please note that we may process a Director/Trustee's Employee's, a Child's or a Parent's personal information without their respective knowledge or consent, as relevant to the circumstances, in compliance with the above rules, where this is required or permitted by law.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with Director/Trustee, Employee or Parent explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with Charity or Company Law or Employee employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect a Director/Trustee, Employee, a Child or a Parents' interests (or someone else's interests) and the Director/Trustee, Employee, Child or Parent as is appropriate is not capable of giving consent, or where the Director/Trustee, Employee or Parent has already made the information public.

ENOOSC's obligations as an employer

We will use particularly sensitive personal information of Employees in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about the physical or mental health of an Employee, or their disability status, to ensure Employee health and safety in the workplace and to assess the fitness of Employees to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
- We will use information about an Employee's race or national or ethnic origin, religious, philosophical or moral beliefs, or an Employee's sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

Do we need Employee consent?

We do not need the consent of Employees if we use special categories of personal information in accordance with our



written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach Employees for their written consent to allow us to process certain particularly sensitive data. If we do so, we will provide Employees with full details of the information that we would like and the reason we need it, so that Employees can carefully consider whether they wish to consent. Employees should be aware that it is not a condition of their contract with ENOOSC that they agree to any request for consent from us.

INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect the interests of You (or someone else's interests) and You are not capable of giving your consent, or where a Director Trustee / Employee or a Parent, as is relevant to the circumstances, has already made the information public.

We envisage that we will hold information about criminal convictions.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so, which includes but is not limited to Disclosure and Barring Service ("DBS") checks. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- To conduct a DBS check on each Director Trustee and Employee, to record the date of the DBS check, the number of the DBS check and the name of the body conducting the DBS check.

We are allowed to use your personal information in this way to carry out our obligations. We have in place an appropriate policy and safeguards which we are required by law to maintain when processing such data.

AUTOMATED DECISION-MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified Director Trustee, Employees or Parents of the decision and given the Director Trustee, Employee or the Parent as is appropriate 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with an Employee or a Parent and appropriate measures are in place to safeguard the Employee's, the Child's or the Parent's rights as is appropriate.
3. In limited circumstances, with explicit written consent from the Director Trustee, Employee or the Parent, as is appropriate, and where appropriate measures are in place to safeguard Director Trustee, Employee or Parent rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either explicit written consent from a Director Trustee, Employee or a Parent as is appropriate, or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard a Director Trustee, Employee or a Parents rights as is relevant in the circumstances.

You will not be subject to decisions that will have a significant impact on You based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified the Director Trustee, Employee or the Parent as is appropriate in the circumstances.

DATA SHARING

We may have to share Director Trustee, Employee, Child or Parent data with third parties, including third-party service providers.

We require third parties to respect the security of Your data and to treat it in accordance with the law.

Why might ENOOSC share Director Trustee, Employee, Child or Parent personal information with third parties?

We will share Your personal information with third parties where required by law, where it is necessary to administer the working relationship with You or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

“Third parties” includes third-party service providers (including contractors and designated agents), local authorities, regulatory bodies, schools and other entities. The following third-party service providers process personal information about you for the following purposes:

- Local Authorities – for funding and monitoring reasons (e.g. equal opportunities and uptake of funded hours)
- Regulatory bodies – for ensuring compliance in accordance with our charitable aims, the safety and welfare of the children, and safeguarding charitable and public funds.
- Schools – to provide a successful transition by ensuring information about the child’s progress and current level of development and interests are shared.
- Human Resources, Payroll and pension processing – to ensure we meet our obligations as a responsible employer in an efficient and timely manner.

How secure is my information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect Your personal information in line with our policies. We do not allow our third-party service providers to use Your personal data for their own purposes. We only permit them to process Your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may share Your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share Your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share Your personal information with a regulator or to otherwise comply with the law.

DATA RETENTION

How long will you use my information for?

We will only retain Your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of Your personal data, the purposes for which we process Your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise Your personal information so that it can no longer be associated with You, in which case we may use such information without further notice to You. Once you are no longer a Director/Trustee, Employee, or a Child benefiting from ENOOSC’s services or a Parent, as is appropriate, we will retain and securely destroy



your personal information in accordance with our data retention policy.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal information we hold about You is accurate and current. Please keep us informed if Your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law You have the right to:

- **Request access** to Your personal information (commonly known as a “data subject access request”). This enables You to receive a copy of the personal information we hold about You and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about You. This enables You to have any incomplete or inaccurate information we hold about You corrected.
- **Request erasure** of your personal information. This enables Employees or Parents to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove Your personal information where You have exercised Your right to object to processing (see below).
- **Object to processing** of Your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about Your particular situation which makes You want to object to processing on this ground. You also have the right to object where we are processing Your personal information for direct marketing purposes.
- **Request the restriction of processing** of Your personal information. This enables Employees or Parents, as is appropriate, to ask us to suspend the processing of personal information about You for example if You want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of Your personal information to another party.

If You want to review, verify, correct or request erasure of Your personal information, object to the processing of Your personal data, or request that we transfer a copy of Your personal information to another party, please contact the manager in writing.

No fee is usually required

You will not normally have to pay a fee to access Your personal information (or to exercise any of the other rights).

What we may need from You

We may need to request specific information from You to help us confirm your identity and ensure Your right to access the information (or to exercise any of Your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where You may have provided Your consent to the collection, processing and transfer of Your personal information for a specific purpose, You have the right to withdraw Your consent for that specific processing at any time. To withdraw Your consent, please contact [the manager]. Once we have received notification that You have withdrawn Your consent, we will no longer process Your information for the purpose or purposes You originally agreed to, unless we have another legitimate basis for doing so in law.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide You with a new privacy notice when we make any substantial updates. We may also notify You in other ways from time to time about the processing of your personal information.