



GDPR PRIVACY NOTICE CHILDREN ATTENDING RSC NURSERY AND THEIR PARENTS

What is the purpose of this document?

The Royal Shakespeare Company (RSC) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how the RSC Nursery (a constituent business area of the RSC) collects and uses personal information about children attending the nursery and the parents of the children in accordance with the General Data Protection Regulation (GDPR).

For the purposes of the General Data Protection Regulation (GDPR) the RSC is the “data controller”. This means that we are responsible for deciding how we hold and use personal information about you and your child(ren). We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to children and parents. This notice does not form part of any contract to provide services.

It is important that 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 and/or your child(ren), so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

You should also share this notice with your family/emergency contacts where you have provided us with personal information about them.

Data Protection Principles

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

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

The kind of information we hold

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

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 of the child to signpost children to activities, to celebrate achievement and also for general display purposes
- Details of persons, and their contact numbers, to contact in an emergency should parents be unavailable
- Learning Journal for each child containing the work of the child, observations made by nursery staff about the child's development whilst at the nursery, specific examples of the child's progress, photographs demonstrating the child's development whilst at the nursery, some personal details of the child (e.g. their date of birth) and progress reports
- 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 death, reportable injury, disease or dangerous occurrence
- Observation, planning and assessment records of children

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.
- Bank account details.

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 the nursery deem it relevant to the prevention of radicalisation or other aspects of the governments 'Prevent' strategy.

Emergency Contacts:

We will collect, store, and use the following categories of personal information about persons specified as Emergency Contacts:

- Name
- Relationship to child

- Address
- Telephone numbers

.How is personal information collected?

We collect personal information about children and parents from when the initial enquiry is made by the parents, through the enrolment process and until the children stop using the nursery's services.

How we will use the information?

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

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests do not override our legitimate interest.

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

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

Situations in which the Nursery will use personal information of children

We need all the categories of information in the list above 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.

- 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 for funding purposes.
- Ofsted will be allowed access to the nursery's systems to review child protection and development 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 the nursery
- To check safeguarding records
- To investigate any complaints or concerns
- To check attendance patterns are recorded
- To produce progress reports for each child to be shared with parents and to be passed on during transition to school or other childcare providers.

Situations in which the Nursery will use personal information of Parents

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. The situations in which we will process personal information of parents are listed below.

- Personal information of parents may be shared with local authorities without the consent of parents for funding and safeguarding 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 nursery fees are paid

If Parents fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations to children and parents. If this situation arises, we will discuss your reasons for not providing information and review the impact on our ability to perform the contract or fulfil our obligations.

Change of purpose

We will only use 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 personal information for an unrelated purpose, we will notify you, 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 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 i.e. confidential information may be lawfully shared if it can be justified in the public interest. 'The public interest' includes the belief that a child may be suffering, or be at risk of suffering, significant harm. (Working Together to Safeguard Children 2018)

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:

- In limited circumstances, with parent explicit written consent.
- Where we need to carry out our legal obligations or exercise rights in connection with our legitimate interests.
- Where it is needed in the public interest, such as for equal opportunities monitoring

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 child or a parents' interests (or someone else's interests) and the child or parent as is appropriate is not capable of giving consent, or where the parent has already made the information public.

Data sharing

We may have to share child or parent data with third parties, including third-party service providers. We require third parties to respect the security of the data and to treat it in accordance with the law.

Why might the Nursery share 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 within our group. 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). Your Information rights: This service provides child care funding for children

attending nursery placements. Our valid lawful basis for processing personal data is a legal obligation. To see how we use your personal data and what your information rights are, please read WCC's Education Learning privacy notice <https://www.warwickshire.gov.uk/customer-privacy-notice/education/ed-privacy-notice>. It should be read in addition to the council's overall customer privacy notice at www.warwickshire.gov.uk/privacy which includes the contact details if you have a complaint about your information rights. For general enquiries, please contact Warwickshire County Council 's Customer Service Centre on 01926 410410. The Warwickshire Early Years Sufficiency Privacy Notice can be found at: <http://www.warwickshire.gov.uk/childcarecosts>

- HMRC – for Tax Free Childcare, funding and monitoring reasons
- Regulatory bodies – for ensuring compliance and the safety and welfare of the children
- Schools – to provide a successful transition by ensuring information about the child's progress and current level of development and interests are shared
- Connect Childcare¹ – Connect Nursery Management Software holds enrolment / registration details centrally which helps us to maintain and service our invoice system. Connect only access data remotely for support purposes with express permission from the Head of Nursery or the Head of the RSC IT Department

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 Local Authority for school admissions. We may also need to share your personal information with a regulator or to otherwise comply with the law. We may also need to share personal details about your child with the person designated by you as the "Emergency Contact", for example if a child is ill and certain medical information needs to be passed to the person collecting them.

When might you share my personal information within the nursery team?

We will share your personal information within the nursery team on a need to know basis to ensure the daily safety, welfare and general well-being of your child. Individual staff and employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the nurseries records management guidelines.

Data security

We have put in place measures to protect the security of the personal information about you and your child(ren)

Third parties will only process personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our data protection compliance manager.

¹ Connect Childcare – www.connectchildcare.com

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you use my information for?

We will only retain personal information about you and your child(ren) 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 documented in the nursery storage log which is available from the Head of Nursery. 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 personal data, the purposes for which we process personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise personal information so that it can no longer be associated with you or your child, in which case we may use such information without further notice to you. Once your child is no longer benefiting from the nursery's services, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

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 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 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 you 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 or that of your child(ren), object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact gdpr@rsc.org.uk

No fee usually required

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

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 gdpr@rsc.org.uk. 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.

Questions or concerns

We have appointed a data protection compliance manager to oversee compliance with this privacy notice. The nominated person currently undertaking this role is the Royal Shakespeare Company's Head of Legal. If you have any questions about this privacy notice or how we handle your personal information, please email gdpr@rsc.org.uk. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

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.

This privacy notice is current as at July 2018.