



Brightsparks Day Nurseries

GDPR Privacy Notice

For children, parents/carers and employees

1. Our commitment to your privacy

Brightsparks Day Nurseries ("Brightsparks", "the nursery", "we" or "us") is committed to protecting the privacy and security of personal information relating to our children, parents, carers and employees.

Brightsparks is a data controller. This means we are responsible for deciding how personal information is collected, used, stored and protected.

This Privacy Notice explains what information we collect, why we use it, who we may share it with, how long we keep it and your rights under data protection law. We may update this notice when necessary and will make an updated version available where there are significant changes.

2. Our data protection principles

We will ensure that personal information is:

- processed lawfully, fairly and transparently;
- collected for clear and legitimate purposes;
- adequate, relevant and limited to what is necessary;
- accurate and kept up to date;
- retained only for as long as necessary; and
- stored and handled securely.

Some information, including health and ethnicity information, is classed as special category data and is given additional protection.

3. Information we collect

Children

Information we may hold about children includes:

- name, date of birth, home address and attendance information;
- parent/carer and emergency contact details;
- dietary requirements, allergies and medical information;
- ethnicity, nationality and languages spoken where relevant;
- photographs and video recordings where appropriate;
- observations, assessments, learning and development records and progress reports;
- care plans and information relating to additional needs;
- accident, incident and pre-existing injury records;
- safeguarding and child protection information; and
- other information necessary to provide appropriate care, education and support.

Parents and carers

We may collect:

- names, home addresses, email addresses and telephone numbers;
- emergency contact information;
- information required to claim funded childcare;
- payment and bank information where required;
- information relevant to safeguarding or our statutory duties, including the Prevent duty; and
- other information required to administer your child's place at Brightsparks.

Employees

We may collect and retain information including:

- name, address, contact details, date of birth and emergency contact details;
- National Insurance, payroll, tax, pension and bank information;
- right-to-work documentation, recruitment information, references and employment history;
- DBS and other suitability-check information;
- qualifications, training and professional records;
- job title, working hours, attendance, holiday, salary and benefits information;
- performance, supervision, disciplinary and grievance records;
- sickness, absence, health, accident and health and safety information; and
- information relating to the use of Brightsparks' IT and communication systems.

Where necessary, we may also process special category information, including health, disability, ethnicity or other protected characteristics.

4. How we collect information

Information about children and families is generally collected directly from parents or carers, beginning with an enquiry or registration and continuing throughout the child's time at Brightsparks.

We may also receive information from other professionals or organisations where appropriate and lawful, for example local authorities, schools, health professionals or safeguarding agencies.

Employee information is collected during recruitment and throughout employment. Information may also be obtained from previous employers, recruitment agencies, DBS checks or other lawful background and suitability checks.

5. Why we use personal information

We only process personal information where we have a lawful reason to do so. This will usually be because:

- it is necessary to fulfil a contract;
- we have a legal or regulatory obligation;
- it is necessary for our legitimate interests and those interests do not override an individual's rights;
- it is necessary to protect someone's vital interests; or
- where appropriate, consent has been given.

Children and families

We use information to:

- provide safe and appropriate care and education and meet each child's individual needs;
- monitor learning, development, progress and attendance;
- administer nursery places, fees and funded childcare;
- communicate with parents and emergency contacts;
- meet safeguarding and child protection responsibilities;
- comply with Early Years, Ofsted, local authority and other legal or regulatory requirements; and
- support children's transition to school or another setting.

Information may be shared without parental consent where we have a legal duty or other lawful basis to do so, including for safeguarding, child protection, funding or regulatory purposes. Where consent is the appropriate lawful basis, for example for certain optional uses of information, we will obtain this separately.

Employees

We use employee information to:

- recruit employees and establish their suitability to work with children;
- check their right to work in the UK;
- administer employment contracts, payroll, tax, pensions, working hours, holidays and absence;
- manage performance, training and professional development;
- make reasonable adjustments and manage health and safety;
- manage disciplinary and grievance procedures;
- meet safeguarding and safer recruitment requirements;
- prevent fraud and maintain IT and information security;
- comply with employment, equality and other legal obligations; and
- establish, exercise or defend legal claims where necessary.

More than one lawful basis may apply to the same information.

6. Special category information

Certain particularly sensitive information requires additional protection. We will only process special category information where permitted by law, including where explicit consent has been provided; processing is necessary to meet employment or other legal obligations; it is necessary to protect someone's vital interests; it is necessary for safeguarding or substantial public-interest reasons; it is required in connection with legal claims; or another lawful condition applies.

For employees, health information may be used to manage sickness absence, determine fitness for work, make appropriate workplace adjustments and meet health and safety or employment obligations. Equality information may be processed for appropriate monitoring purposes.

7. Criminal convictions and DBS information

Because Brightsparks provides childcare, we carry out appropriate safer recruitment and suitability checks. Where permitted or required by law, this may include information relating to criminal convictions and Disclosure and Barring Service (DBS) checks.

We will only collect and use this information where appropriate to the role and where we have a lawful basis for doing so. Relevant DBS information may include the date and reference number of the check and the organisation carrying it out. Such information will be handled securely and in accordance with our safeguarding, recruitment and data protection procedures.

8. Sharing information

We will only share personal information where there is an appropriate and lawful reason to do so. Depending upon the circumstances, information may be shared with:

- local authorities, including for funding, safeguarding and monitoring purposes;
- Ofsted and other regulatory bodies;
- schools and other early years settings where appropriate to support a child's transition;
- safeguarding agencies and relevant professionals;
- payroll, pension, IT and other service providers acting on our behalf;
- professional advisers or insurers where necessary; and
- other organisations where disclosure is required or permitted by law.

We require organisations processing information on our behalf to protect it appropriately and only use it for the agreed purpose. We may also disclose information where required by law, in connection with legal proceedings, or as part of a sale or restructuring of the business. Wherever reasonably possible in the latter circumstances, information will initially be anonymised.

9. Keeping information secure

Brightsparks takes appropriate organisational and technical measures to protect personal information from loss, misuse, unauthorised access, alteration or disclosure.

Access to personal information is limited to employees and third parties who have a legitimate need to access it. Anyone processing information on our behalf must do so securely and in accordance with our instructions and data protection requirements.

10. How long we keep information

We keep personal information only for as long as it is required for the purpose for which it was collected and to meet any legal, safeguarding, accounting or regulatory requirements.

Different types of information have different retention periods. Further information is contained in our Access, Storage and Retention of Records Policy. When information is no longer required, it will be securely destroyed or deleted. In some circumstances, information may be anonymised so that it can no longer be linked to an individual.

11. Automated decision-making

Brightsparks does not normally make decisions about children, parents or employees which have a significant effect on them solely through automated processing. If this changes, we will ensure that there is an appropriate lawful basis and that the individual's rights are protected.

12. Your rights

Depending upon the circumstances, data protection law gives you the right to:

- request access to personal information we hold about you;
- ask us to correct inaccurate or incomplete information;
- request deletion of information where there is no lawful reason for us to continue holding it;
- object to certain types of processing;
- request that processing is restricted;
- request the transfer of certain information to another organisation; and
- withdraw consent where consent is the basis on which we are processing information.

These rights are not absolute and there may be circumstances where the law requires or permits us to continue processing or retaining information. You will not normally be charged for exercising your rights. We may ask for information to confirm your identity before responding to a request.

Requests should be made in writing to the Nursery Manager.

13. Keeping your information up to date

It is important that the information we hold is accurate and current. Parents and carers should tell their Nursery Manager promptly about changes to contact details, emergency contacts, medical information or other relevant circumstances. Employees are also responsible for notifying Brightsparks of relevant changes to their personal information.

14. Withdrawing consent

Where we rely specifically upon consent to process personal information, you may withdraw that consent at any time. Withdrawal of consent will not affect processing that has already taken place. We may also continue to process information where another lawful basis requires or permits us to do so.

15. Changes to this Privacy Notice

We may update this Privacy Notice from time to time. If we make any substantial changes, we will provide you with an updated version and, where appropriate, let you know about any changes to how we process your personal information.

Questions or concerns

If you have any questions about this Privacy Notice, the information Brightsparks holds about you or your child, or wish to exercise one of your data protection rights, please contact your Nursery Manager in the first instance.

This Privacy Notice should be read alongside Brightsparks Day Nurseries' other relevant data protection, safeguarding and record-retention policies.