



German Kindergarten DATA PROTECTION POLICY

1. WHO WE ARE

We are The German Kindergarten Ltd, 38, Shakespeare Road, London SE24 0JZ. This Privacy Notice covers all our settings, i.e. The German Kindergarten Herne Hill, The German Kindergarten North Dulwich and The German Kindergarten London Fields (in this Notice collectively referred to as Kindergarten): the Kindergarten is the data controller for the purposes of the relevant legislation.

2. WHAT THIS POLICY IS FOR

This policy is intended to provide information about how the Kindergarten will use (or "process") personal data about individuals including: its staff; its current, past and prospective children; and their parents, carers or guardians (referred to in this policy as "parents"). Personal data about prospective staff, visitors to or members of the Kindergarten's wider community who may use Kindergarten facilities or services, are also covered by this Data Protection Policy.

This information is provided because data Protection Law gives individuals rights to understand how their data is used. Staff, parents and others as above are all encouraged to read this policy and understand the Kindergarten's obligations to its entire community.

This policy applies alongside any other information the Kindergarten may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Data Protection Policy also applies in addition to the Kindergarten's other relevant terms and conditions and policies, including:

- any contract between the Kindergarten and its staff or the parents of children;
- the Kindergarten's policy on taking, storing and using images of children;
- the Kindergarten's retention and disposal of records procedure;
- the Kindergarten's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded.

Anyone who works for, or acts on behalf of, the Kindergarten (including staff, volunteers and service providers) should also be aware of and comply with this Data Protection Policy, which also provides further information about how personal data about those individuals will be used.

3. RESPONSIBILITY FOR DATA PROTECTION

The Kindergarten has appointed the Manager of each setting to deal with any requests and enquiries concerning the Kindergarten's uses of your personal data (see 'Your Rights' below) and endeavor to ensure that all personal data is processed in compliance with this policy and data protection law. Each Manager can be contacted through their e-mail address.

4. WHY THE KINDERGARTEN NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, children and parents, the Kindergarten needs to process a wide range of personal data about individuals (including current, past and prospective staff, children or parents) as part of its daily operation. Some of this activity the Kindergarten will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its children.

Other uses of personal data will be made in accordance with the Kindergarten's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The Kindergarten expects that the following uses will fall within that category of its (or its community's) "**legitimate interests**":

- For the purposes of confirming the identity of prospective children and their parents;
- To provide educational services and monitor children's progress and educational needs;
- To maintain relationships within the Kindergarten community;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law;
- To enable relevant authorities to monitor the Kindergarten's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective children, including relating to outstanding fees or payment history, to/from any educational institution that the child attended or where it is proposed they attend;
- To safeguard children's welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the Kindergarten's IT and communications systems
- To make use of photographic images of children in Kindergarten publications, on the Kindergarten website in accordance with the Kindergarten's policy on taking, storing and using images of children;
- To carry out or cooperate with any Kindergarten or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the Kindergarten's purposes, including to obtain appropriate professional advice and insurance for the Kindergarten.

In addition, the Kindergarten will on occasion need to process **special category personal data** (concerning health, ethnicity, religion) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:



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- To safeguard children's welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of Kindergarten trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a child;
- In connection with employment of its staff, for example DBS checks, welfare, or pension plans;
- As part of any Kindergarten or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

5. TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents who pay fees to the Kindergarten;
- past, present and prospective children's developmental, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academic qualifications, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the Kindergarten about children, and relevant information provided by previous educational establishments and/or other professionals or organisations working with children;
- correspondence with and concerning staff and parents past and present; and
- images of children (and occasionally other individuals) engaging in Kindergarten activities (in accordance with the Kindergarten policy on taking, storing and using images of children);

6. HOW THE KINDERGARTEN COLLECTS DATA

Generally, the Kindergarten receives personal data from the individual directly (including, in the case of children, from their parents). This may be via a form, or simply in the ordinary course of interaction or



communication (such as email).

However in some cases personal data will be supplied by third parties (for example another Kindergarten, or other professionals or authorities working with that individual);

7. WHO HAS ACCESS TO PERSONAL DATA AND WHO THE KINDERGARTEN SHARES IT WITH

Occasionally, the Kindergarten will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. OFSTED
- External services, e.g. speech and language, OT

For the most part, personal data collected by the Kindergarten will remain within the Kindergarten, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records; and
- pastoral or safeguarding files.

However, a certain amount of any SEN children's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the children requires. Staff and parents are reminded that the Kindergarten is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This could include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Kindergarten's Safeguarding Policy.

Finally, in accordance with data protection law, some of the Kindergarten's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Kindergarten's specific directions.

8. HOW LONG WE KEEP PERSONAL DATA

The Kindergarten will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason.

If you have any specific queries about our retention and disposal of data, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the resp. Manager. However, please bear in mind that the kindergarten will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of

the fact in order to fulfil your wishes (called a "suppression record").

One of the fundamental principles of data protection law is that personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes. The Kindergarten's policy on Data Retention and Disposal is constructed in line with this principle. In practice, the Kindergarten has:

- reviewed the length of time it keeps personal data across all of its areas of activity;
- considered the purpose or purposes the information is for in deciding whether (and for how long) to retain it;
- put in place a system to securely delete information that is no longer needed for this purpose or these purposes; and
- put in place a system to update, archive or securely delete information if it goes out of date.

9. KEEPING IN TOUCH AND SUPPORTING THE KINDERGARTEN

The Kindergarten will use the contact details of parents to keep them updated about the activities of the Kindergarten, or parent events of interest. This involves sending updates and newsletters by email and by post.

10. YOUR RIGHTS

Rights of access

Individuals have various rights under data protection law to access and understand personal data about them held by the Kindergarten, and in some cases ask for it to be erased or amended or have it transferred to others, or for the Kindergarten to stop processing it – subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the respective manager.

The Kindergarten will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within the statutory time-limit (which is one month in the case of requests for access to information).

The Kindergarten will be able to respond quicker to smaller, targeted requests for information than large, non-specific ones. If the request for information is manifestly excessive or similar to previous requests, the Kindergarten may ask you to reconsider, or require a proportionate fee (but only where data protection law allows it).

Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see



below), or information which is subject to legal privilege (for example legal advice given to or sought by the Kindergarten, or documents prepared in connection with a legal action) as well as Safeguarding records.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Data Protection Policy. All such requests will be considered on their own merits.

Parental requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about children without their consent. The Kindergarten may consider there are lawful grounds for sharing with or without reference to that child.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Standard Terms and Conditions which form part of the contract with the Kindergarten.

All information requests from, on behalf of, or concerning children– whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

Consent

Where the Kindergarten is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to age considerations as above).

Please be aware however that the Kindergarten may not be relying on consent but have another lawful reason to process the personal data in question even without express consent.

That reason will usually have been asserted under this data protection policy, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract)

Whose rights?

The rights under data protection law belong to the individual to whom the data relates. However, the Kindergarten will often rely on parental authority or notice for the necessary ways it processes personal data relating to children – for example, under the parent contract, or via a form. Parents should be aware that this is not necessarily the same as the Kindergarten relying on strict consent (see section on Consent above).

11. DATA ACCURACY AND SECURITY

The Kindergarten will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Kindergarten of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about



them is erased or corrected (subject to certain exemptions and limitations under data protection law). The Kindergarten will take appropriate technical and organisational steps to ensure the security of personal data, including policies around use of technology and devices, and access to Kindergarten systems. All staff will be made aware of this policy.

12. THIS POLICY

The Kindergarten will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

13. QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the resp. Manager using the usual contact details.

If an individual believes that the Kindergarten has not complied with this policy or acted otherwise than in accordance with data protection law, they should notify the resp. Manager. In the unlikely event that concerns are not satisfied, the individual may seek recourse through the Kindergarten's Complaints Policy. It is also possible to make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the Kindergarten before involving the regulator.

15. REFERENCE

Relevant data protection law for this policy:

- The Data Protection Act 1998 and related statutory instruments (until 25 May 2018)
- The General Data Protection Regulation (from 25 May 2018)
- The Data Protection Act 2018 and related legislation (from 25 May 2018, form TBC)