

Imperial College Healthcare NHS Trust Charing Cross Day Nursery Privacy Notice

Imperial College Healthcare NHS Trust is committed to protecting your privacy when you use our services. This privacy notice explains your rights as a Trust service user, how we use information about you, and how we protect your privacy.

What this notice will tell you:

- How data may be processed in response to COVID-19;
- Our legal basis for processing your data;
- Our purpose for processing your data;
- Whether you have to provide it to us;
- How long we store it for;
- Whether there are other recipients of your personal data;
- Whether we intend to transfer it to another country;
- Your rights and freedoms; and,
- How to lodge a complaint against the Trust to our regulatory body.

Data Processing in response to COVID-19

The health and social care system is facing significant pressures due to the Covid-19 outbreak. As such, the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's-Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak.

What information do we collect from you?

When you attend one of our hospitals or services, data is recorded about you on paper and electronically. We will need to collect information pertaining to your identity, contact information, health information, diagnoses, and other information which allows us to administer healthcare.

What are our legal duties?

We exercise our official authority by collecting, using and, if necessary, sharing your information in order to provide you with care. The Trust will also use personal data to improve medical diagnoses and treatment.

Will the Trust share your data with anyone else?

We share your data with other health and social care organisations directly involved in your care. We will always have a legal framework in place with organisations to ensure that your data will be shared appropriately. We will not provide researchers with data that identifies you personally, unless you have provided explicit, informed consent to this or there is legal justification to provide this information. Where you have elected to apply the National Data Opt Out to your record, we will not share your personal confidential information for purposes beyond the purposes of supporting the provision of health and social care.

What data about me stored elsewhere is shared with the Trust?

If you are already a patient of the Trust, we will be able to view your 'summary care record'. Apart from the summary care record, other NHS organisations involved in your care may share information with us to help us care for you.

How is my data handled safely?

We have a legal duty to keep your data secure. Our staff undertake annual data security and protection training, and the Trust is subject to regular audits and independent reviews to make

sure that we do keep your data safe. When we use other organisations to process your data, we ensure these processors comply with legal obligations to keep your data secure.

How long will the Trust keep the data?

The Records Management Code of Practice for Health and Social Care 2016 sets out what people working with or in NHS organisations in England need to do to manage records correctly. This Code of Practice is based on current legal requirements and professional best practice and was published on 20 July 2016 by the Information Governance Alliance (IGA).

How can I access the information the Trust holds about me?

By law you are entitled to request a copy of the information we hold about you. This is known as a Subject Access Request. To submit such a request, we ask that you contact the Health Records team via:

Email imperial.accesstohealthrecords@nhs.net;

Phone: 0203 313 04001; or

Post: Health Records Department, Charing Cross Hospital, Fulham Palace Road, London, W6 8RF.

Who can I complain to?

The Information Commissioner's Office (ICO) is the body that regulates the Trust under Data Protection and Freedom of Information legislation.

You can complain to the ICO at:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Website: www.ico.org.uk/concerns

Telephone: 0303 123 1113.

The Trust is registered as a data controller under the registration number Z1152836.

What information do you collect about me and my child?

The categories of information that we collect, process, and share include:

- Personal information (including name, age, and address) for both parents/guardians and children
- Demographic details (such as ethnicity, language, nationality, country of birth) for children
- Attendance and absence information for children
- Relevant medical information for children (such as allergy information)
- Attainment, behavioural, and special educational needs information for children
- Bank details for parents/guardians, and payroll details for those who are staff of Imperial College Healthcare NHS Trust
- Proof of identity for parents/guardians
- Funding information and details
- Birth certificates or passports for funding
- Relevant safeguarding information

We collect information about you as a parent/guardian and about your child in order to provide the best possible service. We need to process information about you and your child to ensure children's safe and effective pastoral care; to support their learning and attainment; to assess and improve the quality of our service and; to meet our statutory obligations as a childcare provider.

We collect and process information about you as a parent/guardian and about your child in accordance with the Statutory Framework for the Early Years Foundation Stage (given legal force by the Childcare Act 2006). This framework provides a set of common principles and commitments to deliver quality early education and childcare experiences to all children.

Legal basis for processing data

Any collection and processing of this information is supported by an appropriate legal basis. Below we have set out the legal bases which we rely on for our processing activities:

Consent (Article 6(1)(a) GDPR):

We ask for parent or guardian consent with regards to children's photography for use in the nursery, nursery nativity, Early Years Foundation Stage Learning Journal, and parents' page on the nursery website.

We also ask for parent or guardian consent to sharing of children's Two Year Old Progress Check, undertaken in line with Early Years Foundation Stage requirements.

Consent to each of these processing activities is captured under the admission form for the nursery. These consents are explicit, opt-in, specific, and not a precondition of service. Consent may be withdrawn at any time by contacting the nursery.

Contractual obligations (Article 6(1)(b) GDPR):

Bank details, funding information, and proof of identity are collected as necessary for the performance of our contractual obligations in the provision of our nursery services to you and your child.

Legal compliance (Article 6(1)(c) GDPR):

Data about parents or guardians and children, and children's educational attainment, are processed as necessary under the Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006). This processing is undertaken on the basis of ensuring compliance with this legislation.

Public interest and legitimate authority (Articles 6(1)(e), 9(2)(g), and 9(2)(h) GDPR)

Safeguarding information and relevant medical information are processed by the nursery both in the public interest with respect to health, and under the official authority vested in the Trust as data controller.

The processing of these sensitive data categories is undertaken, respectively, for the substantial public interest of the safeguarding of children, and for the provision of healthcare.

How does Charing Cross Day Nursery process my information and the information of my child?

Our nursery service is supported in its administrative functions by some external providers, which process your information on our behalf. This software supports the nursery in administrative functions.

These functions include:

- registration;
- processing financial information;
- planning;
- enquiries;
- diary management;
- recording relevant allergy, immunisation data;
- recording children's experiences, achievements and assessment progress

To ensure that we are compliant with the relevant legislation, and to ensure that your data and the data of your child is processed securely, we have made sure to formalise our data processing relationships with these third party suppliers. Imperial College Healthcare NHS Trust acts as the data controller, with the suppliers serving as the data processors, processing information in accordance with the purposes and means set out by the Trust.

If you are a parent/guardian and also a staff member of Imperial College Healthcare NHS Trust, we will process your payroll number.

Information pertaining to Data Processing in response to COVID-19

This notice describes how we may use your information to protect you and others during the Covid-19 outbreak.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arm's-Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak. Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the COVID-19 outbreak, due to the public interest in sharing information. This includes [National Data Opt-outs](#). However, in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply.

It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on responding to the outbreak. (be more specific or more informational) (our [FOI page](#) is here / our [SAR Procedures](#) are here)

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

Given the fast-changing, unpredictable nature of the climate in which we are operating, we may be required to amend this privacy notice at any time. We would therefore kindly advise

you to review this notice frequently.

How long is my information retained by Charing Cross Nursery?

Our nursery service complies with the relevant recommendations and requirements for the retention of data as per industry best practice and compliance with the law.

The table on page 6 sets out the relevant retention periods for various record types:

Children's records	Retention period	Status	Authority
Children's records - including registers, medication record books and accident record books pertaining to the children	A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 - or until the child reaches the age of 24 for child protection records	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Records of any reportable death, injury, disease or dangerous occurrence	3 years after the date the record was made	Requirement	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)
Personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases	Recommendation	Chartered Institute of Personnel and Development
DBS check	6 months	Recommendation	DBS Code of Practice The following basic information should be retained after the certificate is destroyed: the date of issue; the name of the subject; the type of disclosure; the position for which the disclosure was requested; the unique reference number; and the details of the recruitment decision taken
Staff accident records (for organisations with 10 or more employees)	3 years after the date the record was made (there are separate rules for the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Assessments under Health and Safety Regulations and records of consultations with safety representatives and committees	Permanently	Recommendation	Chartered Institute of Personnel and Development
Accounting records	3 years from the end of the financial year for private companies, 6 years for public limited companies	Requirement	Companies Act 2006
	6 years for charities	Requirement	Charities Act 2011
Employers' liability insurance records	For as long as possible	Recommendation	Health and Safety Executive

What are my rights regarding my information?

The right to be informed

We are required to inform you about how we collect and use your personal data.

The Right to Access

By law you are entitled to request a copy of the information we hold about you. This is known as a Subject Access Request. To submit such a request, we ask that you contact the Health Records team via:

Email imperial.accesstohealthrecords@nhs.net;;

Phone: 0203 313 04001; or

Post: Health Records Department, Charing Cross Hospital, Fulham Palace Road, London, W6 8RF.

The Trust must comply with a request without undue delay and at the latest within one month of receipt of a valid request. Please note this will be subject to verification of the identity of the requester as appropriate.

If we are unable to provide you with the information, then we will explain the reasons to you. In most cases we will provide a copy of the information to you for free but there are some circumstances the Trust will charge a reasonable fee. A reasonable fee for the administrative costs of complying with the request if:

It is manifestly unfounded or excessive; or,

An individual requests further copies of their data following a request.

At times we may not be able to share your whole record with you, particularly if the record contains confidential data about other people, data which could cause harm to you or someone else's physical or mental wellbeing, or which might affect a police investigation.

The right to rectification

You may request that we make changes to any data we hold about you that is incorrect or incomplete. We will take action to rectify inaccuracies in the personal data we hold about you when it is drawn to our attention. Sometimes it may be necessary to add an explanatory note to your data (an addendum) rather than change the original record.

The right to erasure

This qualified right is also commonly referred to as the 'right to be forgotten'. However, the GDPR sets out clear examples of when this 'right' does not apply. For example, data necessary in the scope of healthcare, social care and public health. The right will also not apply in the context of public interest, specifically public health (e.g. preventive or occupational medicine, assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment, the management of health or social care systems, protecting against serious cross-border threats to health and more).

There are important clinical reasons for the Trust adhering to these standards. For example, the Trust would not erase medical diagnoses or allergy information from a health record as this would be against the best interests and clinical safety of the data subject.

The right to object to processing

You have a right to raise an objection to the processing of your personal data by the Trust, based on specific reasons for objection based on your personal circumstances. The Trust must consider this objection on the facts. Your objection may not be upheld if there are legitimate compelling reasons for the Trust to continue processing your data. The Trust is required to outline their consideration of your objection and the decision taken in the case.

The right to restrict processing

You may request that we restrict the processing of your data in certain circumstances – such as perceived inaccuracies on your medical record. A restriction of processing is usually a temporary measure while we investigate your concerns. The right to restrict processing is not an absolute right, and we may decide not to restrict the processing of your data if we consider that processing to be necessary for the purpose of the public interest or for the purpose of your legitimate interests.

The right to data portability

The right to data portability allows data subjects to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability.

This right does not apply in the context of the collection of personal data for the support and provision of direct care, and is not applicable to the processing undertaken by the Trust. However, you retain a right to access the information we hold about you as described above.

Rights related to automated decision making (including profiling)

Imperial College Healthcare NHS Trust does not make automated decisions or carry out evaluations based on any automated processes (profiling).

More information and contacts

Our Data Protection Officer is Philip Robinson, you can contact him at:

Data Protection Office,
8th Floor Salton House,
St Mary's Hospital,
Praed Street, London, W2 1NY
Email: imperial.dpo@nhs.net

If you want to request access to the information that we hold about you, please contact:

Charing Cross Day Nursery
Imperial College Healthcare NHS Trust
020 3313 5589

Imperial College Healthcare NHS Trust is a registered data controller under the Information Commissioner's Office.

You can contact the Information Commissioner's Office at:

Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Website: www.ico.org.uk/concerns Telephone: 0303 123 1113.

The Trust is registered as a data controller under the registration number Z1152836.