

Imperial College Healthcare NHS Trust Charing Cross Day Nursery Privacy Notice

Introduction

This Privacy Notice serves as part of Imperial College Healthcare NHS Trust's ("our") transparent communication to you regarding the way we process your personal information when you use our services. This is so that you can adequately exercise your right, as a data subject, to be informed of everything that happens to your personal data.

Imperial College Healthcare NHS Trust ("**the Trust**") exercises its official duty under the National Health Service and Community Care Act 1990 (as amended by Section 28(3) of the Health and Social Care (Safety and Quality) Act 2015 and follows strict obligations under the UK General Data Protection Regulation ("**UK GDPR**") and the Data Protection Act 2018. These obligations are strict because the personal data we collect from you includes sensitive data meriting special protection, such as your racial and ethnic origin or genetic information. They are also strict because in pursuance of our public duty we share your personal data with third parties not solely for the purposes of your direct care, and not always on the basis of your consent.

Imperial College Healthcare NHS Trust is the data controller of your personal data because we determine the means and purposes of processing. The Trust is registered as data controller with the Information Commissioner's Office under registration number **Z1152836**.

If you have any questions about this Privacy Notice, or any of its contents, please do not hesitate to contact us (see our contact details at the end of this document).

In this Privacy Notice you will find:

- What counts as personal information
- What personal information we collect
- How we use your personal information
- Whether we share your personal information with third parties
- How long we keep your personal information
- How we protect your personal information
- What our lawful basis for processing your personal information is
- Your rights and freedoms
- Changes to this Privacy Notice
- Raising a question or lodging a complaint

1. What counts as personal information?

Personal information, or personal data, is information that relates to an identified or identifiable individual. What identifies you could be as simple as a name, hospital number, or home address. Personal data may also include 'special categories' of personal information, such as your racial or ethnic origin, genetic data, biometric data, data concerning your health or data concerning your sex life or sexual orientation, to name a few examples.

The UK GDPR sets out the lawful conditions which must be present when we process your personal information (see below **Section 7 'What is our lawful basis for processing your personal information'**).

2. What personal information we collect?

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
- Payroll details for those who are staff of Imperial College Healthcare NHS Trust
- Funding information and details
- Birth certificates or passports for funding
- Relevant safeguarding information
- GP details

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.

3. How do we use your personal information?

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.

4. Do we share your personal information with third parties?

In pursuance of our public duty, we share your personal data with third parties in order to fulfil the purpose for which we process it.

5. How long we keep your personal information?

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.

We will keep your personal information for the following periods. Once these periods are up, we will delete or otherwise destroy our record of your personal information.

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

6. How do we protect your personal information?

When you provide us with your personal information, regardless of the purpose for which we process it, we make sure it is kept safely and securely. Our staff undertake annual data security and protection training, and the Trust is subject to regular audits and independent reviews to make sure that your personal information is kept safe.

We have strict procedures in place to ensure that your personal information is not kept beyond the pre-determined retention period (see **Section 5 'How long do we keep your personal information?'** above). All our programmes and tools are accessible only by authorised personnel and protected by passwords.

Whenever we use other organisations to help us process your data, we make sure they also comply with their legal obligations to keep your data secure, both in transit and at rest, including when they are based outside of the UK. When we use other organisations to process your data, we ensure these processors comply with legal obligations to keep your data secure.

7. What is our lawful basis for processing your personal information?

The UK GDPR sets out the conditions for our lawful processing of your personal information.

Consent

The lawful basis we rely upon to collect your personal data for the purposes of direct care or a specific purpose of indirect care, such as research, is **consent in Article 6(1)(a) UK GDPR**: you have given us clear consent (implicit or explicit) to process your personal data for a specific purpose.

You provide us with explicit consent is when you give us affirmative confirmation for us to proceed, such as by signing a form or saying "yes". You provide us with implicit consent when you give us affirmative action.

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.

Legal Obligation

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

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.

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.

8. Your rights

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).

9. Changes to this Privacy Notice

We will always use your personal data for the purposes we outline unless you give your express consent for us to do otherwise, and in accordance with the UK GDPR. Any changes to our processing activities will be reflected via a change to this Privacy Notice, and we will seek fresh consent from you, if applicable.

10. Raising a question or lodging a complaint

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 also have the right to contact or make a complaint to the **Information Commissioner's Office**, which is the Trust's Supervisory Authority, with the following contact details:

Address:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number. If you need to contact the ICO via the phone and you are deaf or have a hearing or speech impairment, you can use the free BT service Relay UK. Install the free app, which you can access on your device's app store, on your smartphone, tablet, or computer. The, call the ICO advice line on 0303 123 1113, from Monday to Friday, 9am to 5pm.

Email: dpo@ico.org.uk

ICO website: You can also report a concern via the ICO website at <https://ico.org.uk/global/contact-us/>