



Privacy Policy

Approved by:	The Governors
Last updated:	16.03.20
To be reviewed:	16.03.21

WHO WE ARE

The Norwegian Kindergarten in London is a privately run independent school; it is a registered Charity, no 1157145, and a Limited Company, no 9031159. The operating address is 28 Arterberry Rd, Wimbledon SW20 8AH. The school is the Data Controller for purposes of the relevant legislation ("Data Protection Law"). We are registered with the Department of Education, no 315/6007. The school is governed by a Board of Trustees and is inspected by Ofsted.

This Privacy Notice covers staff, parents and pupils at this kindergarten.

WHAT THIS PRIVACY NOTICE 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 pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the kindergarten's obligations to its entire community.

This Privacy Notice 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 Privacy Notice also applies in addition to the kindergarten's other relevant terms and conditions and policies, including:

- any contract between the kindergarten and it's staff or the parents of pupils;
- the kindergarten's policy on taking, storing and using images of children;
- the kindergarten's retention of records policy;
- the kindergarten's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the kindergarten's mobile phone and all digital photography policy.

Anyone who works for, or acts on behalf of, the kindergarten (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice.

RESPONSIBILITY FOR DATA PROTECTION

- The Kindergarten has appointed the Head teacher as Privacy and Compliance Officer who will deal with all your requests and enquiries concerning the kindergarten's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

Contact email address: mail@norwegiankindergarten.org.uk

WHY THE KINDERGARTEN NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the kindergarten needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils 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 pupils.

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 "legitimate interests":

- To provide education and care services and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with 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 pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To make use of photographic images of pupils in kindergarten publications, on the kindergarten website and (where appropriate) on the kindergarten's social media channels in accordance with the kindergarten's policy on taking, storing and using images of children;
- To carry out or cooperate with any nursery/school 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 or ethnicity) 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:

- To safeguard pupils' 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 pupil;
- In connection with employment of its staff, for example DBS checks, welfare, union membership 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 and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE KINDERGARTEN

This will include by way of example:

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

HOW THE KINDERGARTEN COLLECTS DATA

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

However in some cases personal data will be supplied by third parties (for example another nursery or school, or other professionals or authorities working with that individual); or collected from publicly available resources.

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, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. Ofsted, Merton Council, the Charity Commission.
- 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 [held and accessed only by appropriate staff under his/her supervision, or otherwise in accordance with express consent]; and
 - pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils 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 is likely to 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 s 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.

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. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files following departure from the kindergarten is in line with British legal recommendations.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Head teacher. However, please bear in mind that the school 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.

The Kindergarten follows British legal recommendations, for example:

- Individual pupil records are kept for 25 years from date of birth
- Employee personnel records are kept for 7 years from termination of employment
- Payroll details are kept for 7 years

However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

More information can be found in the kindergarten's Retention of Documents Policy.

YOUR RIGHTS

- Rights of access, etc.

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 school to stop processing it – but 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 Head Teacher.

The kindergarten will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information or within three months if deemed necessary by the kindergarten).

The kindergarten will be better able to respond quickly to smaller, targeted requests for information. 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), 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).

The kindergarten is also not required to share any confidential reference given by the kindergarten itself for the purposes of the education, training or employment of any individual.

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 your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

- Consent

Where the kindergarten is relying on consent as a means to process personal data, any person may withdraw this consent at any time. 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 your consent.

That reason will usually have been asserted under this Privacy Notice, 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 pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the school relying on strict consent (see section on Consent above).

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 office 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 or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the kindergarten may need to process your data, of who you may contact if you disagree.

The kindergarten will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to kindergarten systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law.

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.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Head Teacher using the following contact details mail@norwegiankindergarten.org.uk

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 utilise the kindergarten complaints procedure and should also notify the Chair of Governors. You can also 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.