

Privacy Policy

At The Gap Club Ltd, we respect the privacy and security of personal information of our Parents, Carers and the children attending our settings or using our Sitters service. The personal information that we collect and use relating to you, your child and other contacts is used only to provide appropriate care for your child(ren), maintain our service to you, and communicate with you effectively. Our legal basis for processing the personal information relating to you and your child is so that we can fulfil our contract with you in a safe and effective manner under the childcare regulations.

The Gap Club is a “data controller”, with data protection number: ZA114355 This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to Employees, Children and Parents. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.

It is important that Children and Parents read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

Data Protection Legislation

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

An overview of the type of information we hold about you:

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s health or sexual orientation.

Personal Data we collect includes:

We collect personal information about Children and Parents from when the initial enquiry is made by the Parents, through the enrolment process and until the Children stop using the settings. We collect personal data about you and your child to provide care and learning that is tailored to meet your child’s individual needs. The main categories under GDPR that we collect personal information data fall under the lawful basis of: Contract, Consent and Legitimate Interest. Collecting data under the lawful basis of contract means that we need this data to provide a place at our settings for your child. Because of that, you won’t be able to ask for us to delete or stop processing this data without ending the contract with us.

We also collect information to verify your eligibility for free childcare as applicable.

Personal details that we collect about your **child** include:

- Your child's name, date of birth, school attended, other setting currently attended, attendance information, home address, health, medical, dietary needs, development needs, and any additional educational support needs, parent & guardian contact details and emergency contact details, home language, observation, planning and assessments, 2-year checks.
- Where applicable we will require you to provide or obtain records relating to individual children eg child protection plans from social services, care and health care plans from health professionals.
- We will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.
- We may also **collect, store and use** the following "special categories" of more sensitive personal information:
 - Information about a Child's race or ethnicity, spoken language and nationality.
 - Detailed Information about a Child's health, including any medical condition, health and sickness records.
 - Information about a Child's accident or incident reports including reports of pre-existing injuries.
 - Information about a Child's incident forms / child protection referral forms / child protection case details / reports.

Personal details that we collect about **you** include:

- Your name, home address, phone numbers, email address, emergency contact details, and family details.
- Personal name, contact details for emergency contacts or collectors.
- This information will be collected from you directly in the registration/booking process.
- If you apply for 15 or 30 hours free childcare or FEET funding, we will also collect:
 - Your national insurance number or unique taxpayer reference (UTR), if you're self-employed.
 - We may also collect information regarding benefits and family credits that you are in receipt of.
- For payment of our services, we will also collect bank/card/voucher payment method details to allow monies to be collected and continuity of service.
- We may also **collect, store and use** the following "special categories" of more sensitive personal information:
 - Information about a Parent's race or ethnicity, spoken language and nationality.
 - Conversations with Parents where staff of the setting deem it relevant to the prevention of radicalisation or other aspects of the governments Prevent strategy.

Additionally, and in accordance with our policies and procedures, the following personal data records and information will also be **used, stored** and maintained for the settings:

- An up to date record of all the staff, students and volunteers who work at the setting, including their name; address; telephone number; DBS check status; references; employment details and any other information (such as their Personal Development Plan) accrued during their time spent working at the setting.
- A record of any other individuals who reside at, or regularly visit/spend time at the setting, including their contact details.
- Records of the activities planned and implemented by the setting, including any off-site visits and outings permissions.
- Records of any medication being held by staff on behalf of children, along with the authorised Administration of Medication Forms, in accordance with the Health, Illness and Emergency policy.
- Records of parental authorisation permitting staff to consent to emergency treatment for children (in accordance with the Health, Illness and Emergency policy).
- Records of any reportable death, injury, disease or dangerous occurrence
- Photographs and video clips of the Child/ren to for general display and marketing purposes
- Record book for each Child containing the work of the Child whilst at the Pre-school and after school and holiday club settings, observations about the Child's development whilst at the settings from staff, specific examples of the Child's progress, photographs demonstrating the Child's development whilst at the settings, and personal details of the Child (e.g. their date of birth) ("Progress Report")

The setting supervisor has overall responsibility for the maintenance and updating of children's records and ensuring that they are accurate and secure when at settings.

How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract, we have entered into with you.
2. Where we need to comply with a legal obligation. * See Consents
3. Where it is necessary for our legitimate interests (or those of a third party) and Your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes.

Why we collect this information and the legal basis for handling and using your data

For Children

We need all the categories of information mentioned above primarily to allow us to perform our obligations (including our legal obligations to Children). The situations in which we will process personal information of Children are listed below.

- Upon consent from the Parents, Personal Data of Children will be shared with schools for progression into the next stage of their education.
- Personal information of Children will be shared with local authorities without the consent of Parents where there is a situation where child protection is necessary.
- The personal information of Children will be shared with local authorities without the consent of Parents for funding purposes.
- Ofsted will be allowed access to the settings systems to review child protection records.
- To ensure we meet the needs of the Children eg to contact you in an emergency, care and learning.
- To enable the appropriate funding to be received.
- Report on a Child's progress and wellbeing including any health, medical or dietary needs and their treatments with authorisation whilst with the setting.
- To check safeguarding records.
- To check complaint records.
- To check attendance patterns are recorded.
- When a Child's Progress Report is given to its Parent in order for that Parent to pass the same Progress Report to a school for application or enrolment purposes.

For Parents

We need all the categories of information mentioned above primarily to allow us to perform our contracts with Parents and to enable us to comply with legal obligations. The situations in which we will process personal information of Parents are listed below.

- The personal information of Parents will be shared with local authorities without the consent of Parents

for funding purposes.

- To report on a Child's attendance.
- To be able to contact a Parent or a Child's emergency contact about their Child.
- To ensure nursery fees are paid.
- We will use the contact details you give us to contact you via phone, email, social media, post, online portals or parent applications, so that we can send you information about your child, our settings, services, updates and other relevant news with your approved consent. *

If Parents fail to provide personal information

If Parents fail to provide certain information when requested, we may not be able to perform the respective contracts we have entered into with Parents, or we may be prevented from complying with our respective legal obligations to Children and Parents.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you, as is appropriate in the circumstances, and we will explain the legal basis which allows us to do so.

Please note that we may process a Child's or a Parent's personal information without their respective knowledge or consent, as relevant to the circumstances, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with Parent explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with Employee employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect an Employee, a Child or a Parents' interests (or someone else's interests) and the Employee, Child or Parent as is appropriate is not capable of giving consent, or where the Employee or Parent has already made the information public.

Data Sharing

We may have to share Child or Parent data with third parties, including third-party service providers. We require third parties to respect the security of your data and to treat it in accordance with the law.

Why might the setting share Child or Parent personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents), local authorities, regulatory bodies, schools and other entities within our group. The following third-party service providers process personal information about you for the following purposes:

- Local Authorities – for funding and monitoring reasons (e.g. equal opportunities and uptake of funded hours).
- Regulatory bodies – for ensuring compliance and the safety and welfare of the children.
- Schools – to provide a successful transition by ensuring information about the child's progress and current level of development and interests are shared.

How secure is my information with third-party service providers?

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When might you share my personal information with others?

We will share your personal information with other entities / third party providers such as:

- Ofsted – during an inspection or following a complaint about our service
- If legally required to do so
- having obtained your prior permission
- To enforce or apply the terms and conditions of your contract with us
- To protect your child and other children; for example, by sharing information with social care or law enforcement agencies eg the police;
- It is necessary to protect our/ or others rights, property or safety
- Banking services to process chip and pin and/ or direct debit payments (as applicable)
- The Local Authority (where you claim for childcare funding)
- The government's eligibility checker (as above)
- Our insurance underwriter (if applicable)
- Our setting software provider(s) who process data on our behalf which includes Connect Childcare and KidsClubHQ online booking systems, Barclays Bank, SharePoint, our web hosting company, employment voucher scheme companies, mailchimp for campaigns. These providers are required for our registration, bookings, invoicing and payment/ funding processes.
- The school that your child will be attending for transitions.
- For our Sitters service, where we act in a broker capacity, we share your details with the baby sitter pool to identify a sitter that meets your timing requirements.

We will never share your data with any other organisation to use for their own purposes.

What about other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share Your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law for example, by law, by a court or the Charity Commission

Data Retention

How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from our head office, see address below. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a Child benefiting from The Gap Club's services or a Parent, as is appropriate, we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Rights of access, corrections, erasure and restriction.

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law You have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables Employees or Parents to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below). Please note: we will not be able to continue to care for your child if we do not have sufficient information about them and even after your child has left our care, we have a statutory duty to retain some types of data for specific periods of time (see data retention) so we can't delete everything immediately. Data that is no longer required is erased as soon as possible after your child has ceased attending our settings and stopped use of our services.
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes without consent.
- **Request the restriction of processing** of your personal information. This enables Employees or Parents, as is appropriate, to ask us to suspend the processing of personal information about you for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.
- If You want to review, verify, correct or request erasure of your personal information, object to the

processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact The Gap Club in writing at the address below.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights).

What we may need from You

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the address below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Your Rights

If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how we handle your data please send a letter of your request to our office address:

The Gap Club Ltd

1B Lyndwood Parade, St Lukes Road, Old Windsor.

WINDSOR, Berkshire. SL4 2QX.

Stating your request, child name, your name, your email and address and contact details. We will respond to all such requests within one month.

If you continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk

***Consents**

Where we need to use personal data for marketing related type purposes and not for delivering the childcare service, consent will be requested from parents, and we will only use the data solely for the purpose in question if consent has been provided.

The purposes for which the lawful basis of consent are required are on the registration forms (online or paper), and include:

- Still and moving images (i.e. photographs and video footage) within the setting will only be taken by the setting's staff and only following written parental consent for the child/ren being photographed.
- It is likely that there will be occasions during a child's time at the setting when staff may wish to photograph or video children as part of an observation or to record an achievement to show their parent/carer.
- We will not use the personal details or full name (first name and surname) of any child in a photographic image on its website or in any other printed material without consent.
- Generally, images of children will not have an accompanying name in the text or caption; if a name is used in the text, the setting will not use an image of that individual unless specific permission has been granted.

- No images of children will be released to press or media contacts without the relevant written parental consent.
- Cookies are often used on website to improve customer experience of the website, parents can choose to enable cookies or otherwise on the website, but this may sometimes cause certain features to not appear as expected.

Data Security

How we protect your data

We protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed by various methods including:

- Paper documentations are held in lockable cupboards/cabinets at our settings/Head office as needed.
- Our software providers that are cloud based, provide user based secure access to the registration and booking systems with password and user authentication methods.
- Excel is used for some reporting monitoring of debt, which when distributed is password locked.
- All communications with electronic documents are managed securely by the software providers or using secure encrypted email.
- Paper Registers for sign-in/out/collection are transmitted by Our Staff to Head Office on a periodic basis by authorised Gap Club staff.
- Our laptops/phone/tablet devices are password protected with encryption key software.
- We ensure that access to children's files is restricted to those authorised and needing to see them and make entries in them, this being, the supervisor, deputy or designated person, the child's key person, or other staff as authorised by the supervisor and booking team for purpose of ensuring our service to parents is delivered and paid for as agreed.

Data & image security:

- Information and records held on children is kept in secure locked location and cabinets.
- Restricted documents must not be taken from the setting without agreement for transport and storage. They must not be left unattended in cars or opened on public transport.
- All paper-based files containing personal and or sensitive information that have exceeded their retention period should be returned to head office for shredding. Such documentation is shredded by an authorised company with supporting waste transfer notes.
- All electronic personal and/or sensitive information including still and moving images is held on a password protected computers accessed by authorised personnel.
- When not in use, computers/devices are stored in a safe or locked cupboard/cabinet. The computer must not leave the setting's premises. We adhere to a clear desk and clear screen policy
- Images will be stored directly on the computer and deleted from the device that captured or recorded them originally.

Automated decision-making

We do not make any decisions about your child based solely on automated decision-making, as we believe each child is unique. We do use analytics on segmented data to help analyse and understand childcare service trends, so we can offer relevant services to you.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide You with a new privacy notice when we make any substantial updates. We may also notify You in other ways from time to time about the processing of your personal information.