

## The Dell Out of School Club –

### Users GDPR Privacy Notice and Policy update – May 2018

#### 1. INTRODUCTION

The Dell is a registered charity and provides OFSTED registered childcare provider for children aged 3-12 years of age. We collect information about you to carry out our business and supporting activities. This privacy notice provides you with details of how The Committee of The Dell ( “we” “our” “us”) as Trustees of The Dell Out of School Club (“the organisation”) collect and process your Personal Data as a user (or parent or guardian).

“Personal Data” is any information identifying a living, identifiable individual, excluding any anonymous data but including any sensitive Personal Data. Such data can be factual such as a name, email address, date of birth or national insurance number; or an opinion or reference about a child’s actions or behaviour.

“Processing” or “Process” means any activity involving the use of Personal Data whether that is obtaining, holding, recording or carrying out any operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. It may include the transmission or transferring Personal Data to third parties.

The Business Manager together with the Managers of each setting (Morgans and Abel Smith) and Finance and Bookings Officers act on behalf of The Committee of The Dell as the data controllers and are responsible for your Personal Data, including determining when, why and how to Process Personal Data.

For General Data Protection Regulations our email address is [thedellhertford@hotmail.com](mailto:thedellhertford@hotmail.com) . Our postal address is The Dell Out of School Club c/o Morgans School Morgans Rd Hertford Herts SG13 8DR.

If you are not happy with any aspect of how we collect and use your data, you have the right to complain to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We should be grateful if you would contact us first if you do have a complaint so that we can try to resolve it for you. It is very important that the information we hold about you or your child is accurate and up to date. Please let us know if at any time your personal information changes by emailing us at [thedellhertford@hotmail.com](mailto:thedellhertford@hotmail.com)

#### 2. BACKGROUND

This policy has been written in accordance with the principles and safeguards set out in the General Data Protection Regulation (EU) 2016/679 (“GDPR”) We adhere to the principles relating to the Processing of Personal Data set out in GDPR which require Personal Data to be:

(A) Processed lawfully, fairly and in a transparent manner (Lawfulness, Fairness and Transparency).

(b) Collected only for specified, explicit and legitimate purposes (Purpose Limitation).

(c) Adequate, relevant and limited to what is necessary in relation to the purposes for which it is Processed (Data Minimisation).

(d) Accurate and where necessary kept up to date (Accuracy).

(e) Not kept in a form which permits identification of Data Subjects for longer than is necessary for the purposes for which the data is Processed (Storage Limitation).

(f) Processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful Processing and against accidental loss, destruction or damage (Security, Integrity and Confidentiality).

(g) Not transferred to another country without appropriate safeguards being in place (Transfer Limitation).

(H) made available to individuals such as to allow them to exercise certain rights in relation to their Personal Data (Data Subjects rights and requests).

### **3. HOW WE USE YOUR PERSONAL DATA**

We will only use your Personal Data when legally permitted. The most common uses of your Personal Data are:

- Where we need to perform the contract between us in accordance with our terms and conditions of business if you are a user (or parent/guardian of a child) at our club. Eg by you giving us consent to use your personal data which may include consent provided via the registration forms.
- 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.
- Where we need to comply with a legal or regulatory obligation.

You have the right to withdraw consent to marketing at any time by emailing us at [thedellhertford@hotmail.com](mailto:thedellhertford@hotmail.com)

### **Purposes for Processing your Personal Data**

Set out below is a table describing the Personal Data we hold – why we hold it, the legal grounds on which we will process your data, how it is stored and managed and who has access to it.

We also detail how long we will retain the data you have provided and where we dispose of data this is done securely by either shredding, commercial shredding or being deleted from a secure PC in the case of electronic information.

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Is consent required?	How long do we keep it
<b><u>Booking &amp; Registration forms:-</u></b> Parent/guardian names Childs name(s) Childs date of Birth School Contact details Phone Email Address Medical conditions Additional needs GP contact information Emergency contact details incl. phone and address.	Ofsted regulations. Daily registers Staffing Safeguarding	Legitimate interest	Parent /guardian  NB It I up to the parents completing the Registration Form to obtain permission to provide details of their emergency contacts.	Staff	Copies retained on site in locked cupboard  E- stored on password protected PC	Printed and delivered by hand. Currently sourcing a secure transfer method by email encryption	No	3 years dispose in the academic year after leaving  Emergency contact detail to be deleted on leaving.
Ethnicity	OFSTED	Legitimate Interest	Parent /guardian	Senior staff	As above	As above	Yes	Dispose in the academic year after leaving
Parents contact details and emergency numbers supplied	OFSTED and to allow us to contact parents in an emergency	Legitimate interest	Registration forms	Staff	Stored on the Dells mobile phones (secured by pass code)	Passcode protection on phones – locked away at night	No	Whilst the children are at club or deleted during the academic year after leaving.
Permission for photos	To allow the Dell to take photos for marketing	Consent	Parent /guardian	Staff if required	AS above	Ditto	Yes	Dispose in the academic year after leaving
Trip/activity permission	To allow children to be taken off site for an outing	Consent	Parent /guardian	Staff if required	As above	Ditto	Yes	Dispose in the academic year after leaving
The Dell registers including child's name	To know what children to expect at club and ensure ratio numbers of staff to children	Legitimate interest	Information provided by parents processed by our Bookings officer	Staff School	As above	Printed and delivered by hand	No	3 years dispose in the academic year after leaving
<b><u>Administering Medication Form</u></b>	Compliance with OFSTED regulations Safeguarding	Consent	Parent/guardian and Dell staff	Staff who administer medication/e mergency services	As above	Hard copy only (secure email only)	Yes	3 years dispose in the academic year after leaving.

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Is consent required?	How long do we keep it
<u>Other medical related forms i.e. existing injuries /intimate care</u>	Safeguarding	Legitimate interest	Dell Staff	Staff on a need to know basis – parent/ guardian	As above	Hard copy (secure email only)	No	3 years dispose in the academic year after.leaving
Accident form	Safeguarding and recording accidents which occur so we can ensure our premises and children are safe	Legitimate interest	Senior Dell staff	Parent/ guardian Trustees RIDDOR HSE/ School	Locked filing cabinet & password protected PC	Hard copy	No	3 years dispose in the academic year after leaving– unless accident is of a serious nature and papers are required for legal purposes (10 years)
Incident form	Safeguarding	Legitimate interest	Senior Dell staff	Parent/ Guardian Trustees	Locked filing cabinet & password protected PC	Hard copy	No	3 years dispose in the academic year after.leaving
Child focused risk assessment	Safeguarding	Legitimate interest	Senior Dell staff	Staff parents/ guardians Trustees RIDDOR HSE/ School	Locked filing cabinet & password protected PC	Hard copy	No	3 years dispose in the academic year after.leaving
Invoice	To allow us to request payment from users	Legitimate interest	Finance and bookings officer	Parents and guardians	Locked filing cabinet & password protected PC	By post or securely if identifying a child by email	No	5 years dispose in the academic year after. leaving
Correspondence i.e. Letters /emails from or to parents/guardians	Day to day business correspondence	Legitimate interest	The Dell and our users.	Senior Dell staff and parents/ guardians and school	Locked filing cabinet & password protected PC	Sent securely if identifying a child or by hand	No	Whilst in attendance. Dispose the academic year after leaving
Information about a “looked after child* /court papers or other child focused correspondence	To be able to provide care for that child. Safeguarding	Legitimate interest	Third party /local authority/ school	Senior staff with permission of parent or other	Locked filing cabinet & password protected PC	Sent securely if identifying a child or by hand	No	10 Years dispose the following academic year after leaving
Special needs/education and healthcare plans /SEN plans	Safeguarding	Consent	Parents or from school with permissions	Staff School (with permission) Parent	Locked filing cabinet & password protected PC	Sent securely if identifying a child or by hand	Yes	10 years dispose the following academic year after leaving

Data	What is the data used for	Lawful reason for keeping data	Where did it come from	Who is it shared with	Where is it stored	Access	Is consent required?	How long do we keep it
Learning journals including observations and assessments and work your child may have done.	OFSTED	Legitimate interest	Staff and children	Parent Staff Ofsted	Locked filing cabinet & password protected PC		No	Upon leaving and given to parents/guardians
Bookwhen holiday club bookings platform. Including registration and booking details. The Dell is responsible for the security of the above information which will have been supplied to us as via Bookwhen	Online bookings to secure holiday club places and register bookings and registration forms	Legitimate interest	Parents and Guardians	Via Bookwhen with Senior staff – managers/ bookings manager Stripe when paying online	Secure access via Bookwhen website. Paper data is held as above including registration and booking forms Copies retained on site in locked cupboard  E- stored on password protected PC	Hard copy only & via the password protected Bookwhen platform	No	Until child leaves primary school or user can ask us to remove data held on the system NB some past records must be held to meet statutory obligations (this applies to the online registration form)
STRIPE Secure online payment platform to enable you to make payments via Bookwhen for Dell Holiday club services.	Online payment	Legitimate interest	Parents and guardians	Business Manager and Finance Officer	Stripe payment secure site	Password protected secure site NB The Dell has no access to card details supplied as part of this process but is provided personal data from Bookwhen about the customer who has paid	No	The end of the term after your child leaves school. Unless you request Stripe to remove your data. NB some past records must be held to meet statutory obligations

### **Information we obtain from other sources.**

When we obtain personal data from other sources i.e. enquires via our face-book page or from recommendations we will comply with our GDPR policy to ensure that the information is treated securely.

### **Marketing communications**

You will receive marketing communications from us if you have:

- (i) Requested information from us or registered with us as a user (or parent/ guardian)
- (ii) If you provided us with your details and ticked the box (or accepted an email) at the point of entry of your details for us to send you marketing communications;
- (iii) And in each case, you have not opted out of receiving that marketing.

We will never share your Personal Data with any third party for marketing purposes.

Where you opt out of receiving our marketing communications, this will not apply to Personal Data provided to us as a result of us providing you with a service or other transaction.

## **4. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your Personal Data with the parties set out below for the purposes set out in the table in Section 3 above:

- OFSTED or any government department involved with the safe operation of our business e.g. H&S executive, Food Standards Agency, EHO. Etc.
- Service providers who provide IT and system administration services.
- Professional advisers including OFSTED, Herts County Council and those who provide consultancy, and other business related service to The Dell.
- HM Revenue & Customs, regulators, The Department of Work and Pensions and other authorities based in the United Kingdom and other relevant jurisdictions who require reporting of processing activities in certain circumstances.
- Third parties to whom in the future, we may sell, transfer or merge parts of our business or assets.

We require all third parties to whom we transfer your data to respect the security of your Personal Data and to treat it in accordance with the law. We only allow such third parties to process your Personal Data for specified purposes and in accordance with our instructions.

## **5. INTERNATIONAL TRANSFERS**

One of the hosting systems for hosting holiday club payments known as STRIPE is based out of the European Economic Area. This is necessary for the purposes of administering our business. Stripe are not permitted to use your personal data for any other purpose than for what has been agreed with us. Stripe are required to safeguard your personal data through the use of appropriate technical data security measures and are prohibited from disclosing or sharing your personal data with other third parties without our prior authority (unless required by law).

## **6. DATA SECURITY**

We have put in place appropriate security measures to prevent your Personal Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Data to those employees, agents, contractors and other third parties who have a business need to know such data. They will only Process your Personal Data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected Personal Data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **7. DATA RETENTION**

We will only retain your Personal Data 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.

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.

By law we must keep basic information about our clients (including Contact, Identity, Financial and Transaction Data) for six years after they cease being clients for tax purposes.

In some circumstances you can ask us to delete your data and it is our responsibility to make sure that any Personal Data we retain is accurate. So, if you would like us to erase your data (to the extent that we are able) or there are any changes to your data which means what we currently hold is inaccurate, please do let us know.

Any data that we dispose of is done in a secure fashion by shredding or professional data shred.

## **8. YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your Personal Data. These include the right to:

The right to be informed about the personal data being processed

The right to access to your Personal Data.

The right to object to the processing of your personal data

The right to restrict the processing of your personal data

The right to correct your personal data

The right to erasure of your Personal Data

The right to portability of your personal data,

In exercising your individual rights you should understand that in some situations we may be unable to fully meet your request. For example if you make a request for us to delete all your personal data, we may be required to retain some data for regulatory and other statutory purposes e.g. safeguarding.

You can see more about these rights at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you wish to exercise any of the rights set out above, please email us at [thedellhertford@hotmail.com](mailto:thedellhertford@hotmail.com).

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within 30 days. Occasionally it may take us longer than this if your request is particularly complex or you have made several requests. In this case, we will notify you and keep you updated.