

PRIVACY NOTICE 2022

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Introduction

1. In line with the UK Data Protection Act 2018 (DPA ACT) | 2021, Gingerbread Corner (GBC) regards the lawful and correct treatment of personal information as crucial to successful operations and to maintaining confidence with client families, employees¹, statutory agencies others with whom business is conducted.
2. GBC is the Data Controller and thus responsible for deciding how personal information is collected, used and held. The Chief Executive is the Senior Responsible Individual.
3. The personal data GBC holds is used lawfully, fairly and in a transparent way, collected only for valid purposes, accurate and kept up to date, securely and for as long as necessary for the purposes GBC has specified. Should GBC have reasonable cause to consider that data is required for another reason and that reason is compatible with the original purpose, an individual would be so notified by GBC.
4. This Privacy Notice indicates how GBC collects, stores and uses personal data regarding past and present employees, job applicants and prospective, current and past client families (which may include relations or friends, e.g. emergency contacts) and site visitors (particularly where they may have been involved in an incident). Reference to client families, employees and visitors may be made in company minutes or notes.

¹ “Employees” should be taken to include (as appropriate) students, volunteers, work/school/other placements and apprentices, as well as (where relevant) applicants and former employees

5. Data where the identity has been removed is not protected.
6. This Notice does not form part of any contract of employment or service provision.

Privacy Notice Distribution, Updates and Changes

7. GBC reserves the right to update this Privacy Notice at any time, with any new iteration being provided as soon as reasonably practical and it will be deemed to have been received, read and understood by its recipients as long as:
 - 7.1. attention has been drawn to it in the Admission Form and Employee Induction, as appropriate
 - 7.2. employees and clients have been notified (via the last known email address or phone number) of any revised iteration
 - 7.3. the current version is posted on GBC's website.
8. GBC may also notify individuals in other ways from time to time about the processing of their personal information.

Personal Identifiers

9. The UK GDPR provides a non-exhaustive list of personal identifiers, including: name, identification number, location data and an online identifier². GBC keeps under consideration that other factors can identify an individual.

Lawful Bases

10. GBC has conducted a Legitimate Interests Assessment (LIA), against the three tests of Purpose, Necessity and Balancing and the purpose of the data collection.
11. In so doing, GBC has balanced as far as possible individuals' interests, rights and freedoms – i.e. an individual's interests would likely override a business' legitimate interests where the individual would not reasonably expect the processing or if it would cause them unjustified harm and considers that there is no less intrusive way of achieving the requirements specified.
12. GBC may process the personal information of employee or client family without their respective knowledge or consent, as relevant to the circumstances, where this is required and/or permitted by law.

Legitimate Interests Assessment

13. In Table A below, GBC has identified the instances where data collection, retention, storing and processing etc. is necessary for GBC's legitimate interests (or those of permitted third parties), which may include commercial interests, individual interests or broader societal

² Online identifiers include IP addresses and cookie identifiers which may be personal data.

benefits unless there is a good reason to protect an individual's personal data which overrides the legitimate interests of processing the data.

Purpose

14. The lawful bases on which GBC relies are:

- 14.1. Consent: the individual has given clear consent for GBC to process their personal data for a specific purpose
- 14.2. Contract: the processing is necessary for a contract GBC has with the individual, or because they have asked us to take specific steps before entering into a contract
- 14.3. Legal Obligation: the processing is necessary for GBC to comply with the law (not including contractual obligations)
- 14.4. Vital Interests: the processing is necessary to protect someone's life
- 14.5. Public Task: the processing is necessary for GBC to perform a task in the public interest or for official functions, and the task or function has a clear basis in law

15. GBC collects personal information about client families from their initial enquiry (or that of another agency), through the enrolment process, and store and retain certain records for the time periods as laid out in the Data Protection and Retention Protocol.

Third Party Service Providers

16. With the exception of statutory or regulatory requirements, GBC requires all third party service providers to confirm that they have taken appropriate security measures to protect personal information in line with legislation. GBC would not allow third-party service providers to use personal data for their own purposes, rather only for specified purposes and in accordance with GBC's instructions or where it is necessary to administer GBC's relationship with an individual or where GBC has another legitimate interest (such as in the context of a possible sale or restructuring of the business) in so doing.

Storage and Retention of Data

17. All relevant data is stored securely and with limited access (e.g. in locked cabinets, cupboards, offices or passworded electronic devices) and retained for a specified time period, in line with GBC's detailed Data Protection and Retention Protocol.

18. Personal data is retained only for as long as necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different data types are available in GBC's Data Protection and Retention Protocol.

19. To determine the appropriate retention period for personal data, GBC has considered the amount, nature, and sensitivity of the data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which it has been processed and whether those purposes can be achieved through other means and the applicable legal requirements.

20. In some circumstances GBC may anonymise personal information, in which case it may be used without further notice.
21. Once there is no longer an on-going relationship with GBC, personal information will be retained and/or securely destroyed in accordance with the Data Protection and Retention Protocol and/or any applicable laws and regulations.

Special Categories & Particularly Sensitive Data

22. In limited circumstances, GBC may approach employees for their written consent to allow the processing of certain particularly sensitive data, in which case GBC will provide full details of the information requested and its proposed use, so that employees can carefully consider whether they wish to consent. It is not likely to be a condition of their employment with GBC that they agree to any request for consent.
23. Special categories of particularly sensitive personal information require higher levels of protection, requiring further justification for collecting, storing and using this type of personal information. These categories have been indicated by the use of italics In Table A.

Table A: Type, Legitimate Interest Assessment and Purpose of Data

24. This Table outlines the data (including personal identifiers, contacts and characteristics), giving the data type and to whom the data refers, which legitimate interest has been identified and why the data is collected.

25. Key:

A	All
Ca	Carers
Ch	Children
CF	Client Families
E	Employees

26. It should be noted that consent of carers to share information on their children is not be required for: funding or Safeguarding purposes, to comply with the Counter-Terrorism and Security Act 2015. or in the case of emergency medical treatment, etc.

Group	Data Type	LIA decision	Why Collected
	Past Client contact details		
A	Additional needs, including allergies, health records, etc.	Consent Contract Legal Obligation Vital Interests	Equalities monitoring Offering appropriate care Making reasonable adjustments
A	CCTV	Consent Vital Interests	Safeguarding Evidencing disputes, complaints, etc. See CCTV DPIA for further information
A	Communication records, such as emails, phone calls, meetings, letters, invoices	As relevant: Consent Contract Legal Obligation Vital Interests	Keeping effective and accurate records; in some cases, subject matter could fall within the special category for particularly sensitive data
A	<i>Contact details (e.g. name, address, email address, phone number)</i>	Consent Contract	Making contact ³ (this includes GBC's own mobiles)
A	<i>Date of birth</i>	Consent Contract Legal Obligation Public Task	Equalities monitoring Accurate reporting as necessary Ratios for child care provision (where relevant)

³ These details may be retained for marketing or promotional purposes (where not requested otherwise)

A	<i>Disabilities and additional needs</i>	Consent Contract Legal Obligation	Equalities monitoring Considering reasonable adjustments Complying with health and safety obligations/legislation
A	<i>Ethnicity</i>	Consent Contract Legal Obligation Public Task	Equalities monitoring Where relevant, making effective provision for children's needs
A	<i>Gender</i>	Consent Contract Legal Obligation	Equalities monitoring
A	<i>Next of kin and emergency contact information</i>	Consent Contract Legal Obligation Vital Interests	Contacting relatives, etc. in case of emergency Compliance with Ofsted requirements
A	<i>Records of any reportable death, injury, disease or dangerous occurrence</i>	Vital Interests Legal Obligation	Complying with health and safety obligations/legislation Improving health and safety standards
A	<i>Safeguarding documentation (unless anonymised)</i>	Legal Obligation Vital Interests	Ensuring as far as possible the safety and well-being of children at GBC Reporting to relevant agency where necessary Required by legislation
A	Use of ICT systems	Consent Contract Vital Interests	Monitoring employee use of GBC's information and communication systems to ensure compliance with ICT policies and prevent fraud Ensuring network and information security, including preventing unauthorised access to GBC's computer and electronic communications systems and preventing malicious software distribution Safeguarding
Ca	Fees payable and fee payments, etc. Proof of household income, e.g. salary, benefits, maintenance payments, council tax bill, P60, benefits' notice, other bills	Consent Contract	Ensuring fees are correctly charged and paid Providing an accurate audit trail Operating Family Support Fund
Ca	National Insurance number	Legal Obligation	Ensuring any benefits are applied for and allocated
CF	<i>Client Families' race, ethnicity, marital status, age, spoken language, nationality and disabilities</i>	Consent Contract Legal Obligation	Equalities monitoring Compliance with legislation
CF	Complaint records	Legal Obligation	Enabling continuous improvement Compliance with Ofsted requirements

CF	<i>Prevent communications and records</i>	Legal Obligation Public Task	Compliance with legislation
Ch	<i>Any accident or incident reports regarding children, including reports of pre-existing injuries</i>	Consent Contract Vital Interests Legal Obligation	Ensuring children's health and well being Compliance with health and safety legislation Safeguarding purposes Protecting GBC against claims Providing evidence where relevant and required by a statutory agency
Ch	<i>Child/ren's dates of birth, including siblings under 12</i>	Consent Contract Legal Obligation	Offering places, keeping within ratios, ensuring compliance with GBC's Sibling Care Policy
Ch	<i>Children's records, including any medical condition, disabilities, health and sickness records⁴</i>	Consent Contract Vital Interests Legal Obligation	Ensuring children's health and well being Reporting to statutory agencies
Ch	<i>Passports/birth certificates</i>	Consent Contract Legal Obligation	Funding purposes
Ch	Photographs and video clips of the child as per permissions in the Admission Form	Consent	Recording children's progress Sharing clips with the child/ren's carers Where permission granted, use in publicity and promotional materials
Ch	Records (electronic and/or paper) of each child containing the work of the child whilst at GBC, observations about the child's development, specific examples of the child's progress, photographs demonstrating the child's development whilst at GBC, and personal details of the child (e.g. date of birth, "Progress Report"), attendance patterns, individual children's data, such as care plans, common assessment frameworks, speech and language referral forms, observation, planning and assessment records	Consent Contract Legal Obligation Vital Interests	Sharing with child's carer/s Ensuring timely and accurate referrals e.g. to speech therapist Recording children's progress etc. to ensure GBC meets their needs, and evidencing this to Ofsted Monitoring attendance patterns (for Safeguarding and funding purposes) Enabling the child's effective and smooth transition to the school/other childcare provider Sharing, with permission from the carer/s, with other settings
E	<i>Annual Suitability Declaration (except school work experience)⁵</i>	Consent Contract Legal Obligation Vital Interests	Ensuring as much as possible that employees are suitable to work with children Proving checks completed

⁴ GBC keeps children's records for differing periods of time, depending on the type of record, as laid out in the Data Protection and Retention Protocol

⁵ If an employee refuses or withdraws consent, any offer of employment would be withdrawn or their current employment terminated

E	<i>Criminal Convictions</i>	Consent Contract Legal Obligation Vital Interests	Making decisions about employing (or continuing to employ) to employ a worker or volunteer (including trustees) or (in limited circumstances) about a carer or person accessing GBC's services or premises, bearing in mind Safeguarding, Equalities, Health & Safety, insurance and PACE requirements Rarely, using information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect a person's interests when they are not capable of giving their consent, or where an employee or client, as is relevant to the circumstances, has already made the information public.
E	<i>DBS certificate and the DBS update service check, recording the date, number and the name of the body conducting the DBS check and any criminal convictions. Carried out on appointment and annually thereafter for all employees (including anyone aged over 16 years who has regular contact with children)</i>	Consent Contract Vital Interests	Ensuring as much as possible that employees are suitable to work with children Proving checks completed
E	<i>Diving Licence & Annual Check (where applicable)</i>	Consent Contract Public Task	Ensuring that GBC drivers are legally allowed to drive
E	<i>Employees' physical or mental health or disability status, medical condition, accident, injury or disability records, additional needs</i>	Consent Contract Legal Obligation	Ensuring employees' health and safety in the workplace Assessing their fitness to work Considering the provision of appropriate/reasonable workplace adjustments Monitoring and managing sickness absence Administering benefits including statutory allowances Equalities monitoring Compliance with legislation
E	<i>Employees' race or national or ethnic origin, religious, philosophical or moral beliefs, sexual orientation</i>	Consent Contract Legal Obligation	Equalities monitoring Reasonable adjustments
E	<i>Employment records for past employees, such as name and address, dates of employment, Safeguarding and disciplinary issues, payroll data and any health issues as required by pension provider etc.</i>	As relevant: Consent Contract Legal Obligation Vital Interests	Providing references Complying with legislation & Safeguarding requirements Providing information regarding any condition required permanent health insurance purposes. Contacting to inform of events etc., unless indicated otherwise

E	<i>Employment records⁶ including recruitment records, such as CVs, interview records, right to work documentation and checks, involvement with Social Services, etc., Application and other forms, background checks, job titles, salary, work history, training records, professional memberships, qualifications, performance evaluations etc., disciplinary, complaints, grievance & appeals information, working time records, references sought and provided, absences from work due to annual, statutory parental, carers', special, sick, compassionate and unpaid leave and other information provided by or requested of the applicant or employee</i>	As relevant: Consent Contract Legal Obligation Vital Interests	Providing any benefits Equalities monitoring Enrolment in a pension arrangement in accordance with GBC's statutory automatic enrolment duties Liaising with the trustees or managers of a pension arrangement operated by a group company, the pension provider and any other provider of employee benefits Administering employment contract Conducting performance and/or salary reviews Managing performance and determining performance requirements Assessing qualifications for a particular job or task, including decisions about promotions Considering reasonable adjustments Gathering evidence for possible grievance or disciplinary hearings Making decisions about engagement or continuing/terminating employment Ensuring candidates have the right to work Education, training and development Dealing with disputes Ascertaining employees' fitness to work and managing any absences Compliance with employment, equal opportunities, environmental health and other legislation
E	GP Practice	Consent Contract Vital Interests	Ensuring effective health care
E	National Insurance number	Legal Obligation	Payroll requirement
E	<i>Passports/birth certificates</i>	Consent Contract Legal Obligation	Compliance with employment law, preventing illegal working
E	Payroll data, including salary, tax status information, working hours, attachment of earnings information, pension, annual leave, TOIL, unpaid leave/statutory leave, starting and leaving dates, attendance, etc.	Consent Contract Legal Obligation	Ensuring accurate payroll Preventing fraud Sharing personal data regarding participation in any pension arrangement operated by a group company

⁶ Some data may be obtained directly, through an employment or other agency

			with the trustees or scheme managers of the arrangement in connection with the administration of the arrangements
E	<i>Race, religious belief, sexual orientation, marital status or ethnicity, trade union membership (where subs are deducted directly from an employee's salary)</i>	Consent Contract Legal Obligation	Equalities monitoring
E & CF	<i>Dependants' ages</i>	Consent Contract	Equalities monitoring
E & CF	Domestic Abuse Records	Legal Obligation Vital Interests	Safeguarding
E & Ch	Dietary requirements	Contract Legal Obligation Vital Interests	Ensuring children's safety

Rights of Access, Correction, Erasure, Restriction and Withdrawal of Consent

27. Employees and carers have a duty to inform GBC of changes to personal information during the working relationship as it is important that the data held is accurate and current.

28. Under certain circumstances, individuals have the right to:

28.1. Request access to their personal information (i.e. make a “data subject access request”)⁷

28.2. Request correction of the personal information that held about them

28.3. Request erasure of their personal information

28.4. Object to processing of their personal information where GBC is relying on a legitimate interest (or those of a third party) and there is something about their particular situation which makes them want to object to processing on this ground or if GBC is processing an individual’s personal information for direct marketing purposes

28.5. Request the restriction of processing of personal information (i.e. ask GBC to suspend the processing of personal information should they wish, for example, to establish its accuracy or the reason for processing it)

28.6. Request the transfer of personal information to another party.

29. GBC may require specific information from individuals to confirm their identity.

30. In rare circumstances where an individual may have provided their consent to the collection, processing and transfer of their personal information for a specific purpose, they have the right to withdraw that consent for that specific processing at any time. This may result in GBC not being able to maintain the working relationship, and the individual would be deemed to have resigned (in the case of an employee) or given notice (as a carer), in which case they would be notified to that effect in writing.

31. The same would apply if an individual failed to provide certain personal data when requested, where this would result in GBC being unable to properly and effectively perform a current or a proposed contract or prevented from complying with legal obligations.

Making a Complaint about GBC’s Use of Data

32. Should an individual have any concerns about GBC’s use, retention, etc. of their personal data or about GBC’s CCTV system, they should, in the first instance, make a complaint to the Chief Executive, Leanne Jones, via info@gingerbreadcorner.co.uk or Gingerbread Corner, Grenaby Avenue, Croydon, CR0 2EG; 020 8683 3322.

33. Individuals who are unhappy as to how their data has been used by GBC could also complain to the ICO at Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF or via 0303 123 1113 or the ICO website: <https://www.ico.org.uk>

⁷ No charge can be made by GBC in this regard

Review

34. This Privacy Notice was reviewed in October 2022 and is due for renewal in October 2024, unless best practice or legislative changes are required before then.