

PRIVACY NOTICE

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Introduction

1 In line with the General Data Protection Regulation 2018 (GDPR), Gingerbread Corner (GBC) regards the lawful and correct treatment of personal information as crucial to our successful operation and to maintaining confidence with our client families, employees¹ and others with

¹ “Employees” should be taken to include students, volunteers, work/school/other placements and apprentices)

whom we do business.

- 2 This Privacy Notice describes how GBC collects, stores and uses personal data (i.e. any information about an individual from which that person can be identified) regarding GBC's employees and our client families, past and present. This may include relations or friends of the carer's. It does not include data where the identity has been removed.
- 3 GBC, as the "Data Controller, is responsible for deciding how your personal information is collected, used and held. The Chief Executive is the Data Protection Officer and any questions, concerns, requests for changes or more information, etc. should be emailed to the Chief Executive – leanne@gingerbreadcorner.co.uk.
- 4 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.
- 5 The personal data we hold is used lawfully, fairly and in a transparent way, collected only for valid purposes, relevant only to the purposes we have told you about, accurate and kept up to date, securely and only as long as necessary for the purposes about which we have told you. However, if we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose, we will notify you, explaining the legal basis for us to do so.
- 6 Reference may be made to you in company minutes or notes.
- 7 We may process the personal information of staff, child or carer without their respective knowledge or consent, as relevant to the circumstances, where this is required or permitted by law. Generally speaking, we use your personal information in the following circumstances:
 - performing any contract (whether so entitled or not) into which we have entered with you
 - complying with a legal obligation
 - 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, e.g. to inform you of temporary changes in opening hours
 - rarely, where we need to protect your interests (or someone else's interests) and/or it is needed in the public interest or for official purposes
 - providing client families with information about events, unless you contact us via email – and receive written acknowledgement of receipt – that you do not wish to receive such information.
- 8 If you fail to provide certain personal information when requested, and we are not able to properly and effectively perform the contracts into which we have entered or propose to enter, or we may be prevented from complying with our respective legal obligations, we may not be able to continue, or to enter into, a contract.

Distribution of the Privacy Notice

- 9 This document will be deemed to have been received, read and understood by its recipients as long as attention has been drawn to it in the Admission Form and Employee Induction, as relevant and any redrafts have been emailed to staff members' last known email address and posted to

GBC's website.

Changes to the Privacy Notice

10 We reserve the right to update this privacy notice at any time, and will update the revised Privacy Notice on our website if substantial updates are made. We may also notify you in other ways from time to time about the processing of your personal information.

Storage and retention of data

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

Collection and use of data as an employer

12 We collect personal information about staff through the application and recruitment process, either directly from candidates and/or from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

13 We collect additional personal information in the course of job-related activities throughout the period of employment and retain certain records for the period laid out in our Data Retention Protocol. This includes:

General data

- Contact details such as name, address, phone numbers and email addresses
- Date of birth
- Gender
- Dependants
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Start date and, if different, the date of a staff member's continuous employment
- Copy of driving licence (where applicable)
- Recruitment information (including copies of right to work documentation, references, DBS, suitability declaration and other information included in a CV or cover letter or as part of the application process)
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships, performance information, disciplinary, complaints and grievance information and working time records)
- Annual DBS and Update Service checks
- Annual Suitability Declarations
- Personnel files and training records including

- Information about your use of our information and communications systems
- Records of any reportable death, injury, disease or dangerous occurrence
- Attachment of earnings information
- Disabilities
- Correspondence
- References sought and given

14 Employees' general data are likely to be used in one or more of the following ways:

- making a decision about recruitment or appointment
- checking an employee is legally entitled to work in the UK
- paying employees and, if they are deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs)
- providing any employees' benefits
- enrolling employees in a pension arrangement in accordance with our statutory automatic enrolment duties
- liaising with the trustees or managers of a pension arrangement operated by a group company, your pension provider and any other provider of employee benefits
- administering employees' contracts
- conducting performance and/or salary reviews, managing performance and determining performance requirements
- assessing qualifications for a particular job or task, including decisions about promotions
- gathering evidence for possible grievance or disciplinary hearings
- making decisions about an employee's continued employment, engagement
- making arrangements for the termination of our working relationship
- education, training and development requirements
- dealing with legal disputes involving employees, including accidents at work
- ascertaining an employee's fitness to work
- managing sickness absence
- complying with health and safety obligations
- preventing fraud
- monitoring your use of our information and communication systems to ensure compliance with our IT policies
- ensuring network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- equal opportunities monitoring

Special categories

15 These comprise:

- Information about your race, religious belief, sexual orientation, marital status or ethnicity
- Any trade union membership
- Information about an your health/absences, including any medical condition, accident, health and sickness records, such as:

- ◇ where you leave employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision
- ◇ details of any absences from work (other than annual leave) including time on statutory parental, carers', special, sick, compassionate and unpaid leave
- ◇ where you leave employment and the reason for leaving is related to health, information about that condition needed for pensions and permanent health insurance purposes.

16 We may use employees' particularly sensitive personal information as follows:

- where it relates to leaves of absence, which may include sickness absence or family related leaves, in order to comply with employment and other laws
- where it relates to their physical or mental health or their disability status, in order to ensure their health and safety in the workplace, assess their fitness to work, provide appropriate/reasonable workplace adjustments, monitor and manage sickness absence and administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance
- employees' race or national or ethnic origin, religious, philosophical or moral beliefs, sexual orientation, in order to ensure meaningful equal opportunity monitoring and reporting

Employees' consent

17 We do not need employees' consent when we use special categories of personal information in accordance with our written policies to carry out our legal obligations or exercise specific rights in the field of employment law.

18 In limited circumstances, we may approach employees for their written consent to allow us to process certain particularly sensitive data. If we do so, we will provide full details of the information that we would like and the reason we need it, so that employees can carefully consider whether they wish to consent. It is not a condition of their employment with GBC that they agree to any request for consent.

Collection and use of data as a service provider

19 We collect personal information about client families from when the initial enquiry is made by the carers, through the enrolment process and retain certain records for the period laid out in our Data Retention Protocol This includes:

About children

General Data

- Name
- Date of birth
- Home address
- Dietary requirements

- Attendance information
- Passports/birth certificates for funding purposes
- Photographs and video clips of the child as per the permissions in the Admission Form
- 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")
- Records relating to individual children e.g. care plans, common assessment frameworks, speech and language referral forms
- Accidents and pre-existing injuries forms
- Observation, planning and assessment records of children
- Safeguarding concern logs and diaries, etc.
- Correspondence

Special categories

- Information about a child's race, ethnicity, religion, spoken language and nationality
- Information about a child's health, including any medical condition, disabilities, 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

20 Children's general data are likely to be used in one or more of the following ways:

- Upon consent from the carers, personal data of children will be shared with schools or other child care providers for progression into the next stage of their education
- Personal information of children will be shared with local authorities without the consent of carers 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 carers for funding purposes
- Ofsted will be allowed access to GBC's systems to review child protection records.
- To ensure we meet the needs of the children
- To enable the appropriate funding to be received
- Report on a child's progress whilst with GBC
- To check Safeguarding records
- To check complaint records
- To check attendance patterns
- When a child's Progress Report is given to its carer in order for that carer to pass the same Progress Report to a school or other child care provider

About carers

21 In addition to personal information of the carer/s, including that below, we also hold contact details of relations and friends, e.g. emergency contacts, etc.

General Data

- Name/s
- Home address
- Phone numbers and email addresses
- National Insurance number
- Bank account details
- Fees payable and fee payments, etc.
- Proof of household income, e.g. council tax bill, P60, benefits' notice
- Correspondence

Special categories

- Information about a carer's race, ethnicity, marital status, age, spoken language, nationality and disabilities
- Conversations with carers where GBC deems it relevant to the prevention of radicalisation or other aspects of the government's Prevent strategy.

22 Carers' general data are likely to be used in one or more of the following ways:

- reporting on a child's attendance
- ensuring fees are paid
- being able to contact a carer or, where appropriate, an emergency contact
- sharing with local authorities without the consent of carers for funding purposes.

Use of special categories of information

23 "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:

- where we have explicit written consent from the employee or carer
- where we need to carry out our legal obligations or exercise rights in connection with employment
- where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme

24 We may also process this type of information where it is needed in relation to legal claims, to protect our interest or otherwise, or where it is needed to protect the interests of an employee, child or carers (or someone else's interests) where the individual is not capable of giving consent, or where they have already made the information public.

Information about criminal convictions, suitability, etc.

- 25 We collect, store and use information about criminal convictions regarding employees and (in limited circumstances) about a carer or person they have appointed to act on their behalf. This will usually be where such processing is necessary to carry out our obligations, including Safeguarding and Health and Safety, provided we do so in line with our data protection policy.
- 26 Less commonly, we may collect, store and use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect the interests of you (or someone else) and you are not capable of giving your consent, or where a member of staff or a carer, as is relevant to the circumstances, has already made the information public.

DBS & Suitability Declarations for Employees

- 27 We collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We use information about criminal convictions and offences in the following ways:
- conducting a DBS check on each employee and recording the date of the DBS check, the number of the DBS check and the name of the body conducting the DBS check
 - keeping a copy of the DBS certificate, where employees give permission
 - using the DBS update service and keeping a copy of that check
 - on appointment and annually thereafter requiring all employees (except school placements) to complete a Suitability Declaration, keeping a copy of that declaration

Data sharing

- 28 We may share data with third parties, including third-party service providers and other entities in the group, where required by law, where it is necessary to administer our relationship with you or where we have another legitimate interest (such as in the context of a possible sale or restructuring of the business) in so doing.
- 29 Other third parties are as indicated below. However, rarely, we may also need to share your personal information with another agency, such as the police or in the case of any reportable death, injury, disease or dangerous occurrence, to comply with the law.

Client Families

- Local Authorities, for funding and monitoring reasons (e.g. equal opportunities and uptake of funded hours)
- Regulatory bodies to ensure 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
- Edupost
- Online learning journal, such as Tapestry

Employees

- 30 We share personal data regarding your participation in any pension arrangement operated by a

group company with the trustees or scheme managers of the arrangement in connection with the administration of the arrangements.

Third-party service providers - security of information

31 With the exception of our statutory or regulatory requirements, we would require all third-party service providers to inform us that they have taken appropriate security measures to protect your personal information in line with legislation. We would not allow our third-party service providers to use your personal data for their own purposes. We would only permit them to process your personal data for specified purposes and in accordance with our instructions.

Data retention

32 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 Protocol. 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.

33 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.

34 Once you are no longer have an on-going relationship with GBC, we will retain and securely destroy your personal information in accordance with our Data Retention Protocol or any applicable laws and regulations.

Rights of access, correction, erasure, and restriction

35 You have a duty to inform us of changes to personal information during your working relationship with us. It is important that the data we hold about you is accurate and current.

36 Under certain circumstances, you have the right to:

- *Request access* to your personal information (i.e. make a “data subject access request”)
- *Request correction* of the personal information that we hold about you
- *Request erasure* of your personal information. This enables staff or carers to ask GBC to delete or remove personal information where there is no good reason for us continuing to process it.
- *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 or where we are processing your personal information for direct marketing purposes
- *Request the restriction* of processing of your personal information (i.e. ask GBC to suspend the processing of personal information about you, e.g. if you want us to establish its accuracy or the reason for processing it)

- *Request the transfer* of your personal information to another party

37 We may need to request specific information from you to help us confirm your identity and ensure that you are permitted to action any of these rights and that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

38 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.

39 It may be that, once we can no longer process your information for the purpose/s to which you originally, we would no longer be able to maintain a working relationship with you, and you would be deemed to have resigned as an employee or given notice as a carer, in which case you would be notified to that effect in writing.