

## Hampshire County Council Out of School Providers – Privacy Notice

The following sections provide further detail around the information we process setting out what allows us to do this (lawful basis), who we may share it with, how long we keep it for, alongside identifying any rights you may have and who to contact if you think we're not handling your information in the right way.

### Why do we collect and use this information?

Hampshire County Council is the Data Controller for the purpose of collecting and using information from you as a provider of 'Out of School' activities (such as Breakfast Club, After School Club, Holiday Club) to fulfil our statutory functions around the provision of early education and childcare, including setting the standards for learning, development and care for children from four to eight years.

We collect information about you and/or your setting as an Ofsted registered provider for publication. We also hold this personal data securely and use it to:

- publish information about your setting in regard to early education and childcare including the free entitlements;
- provide you with information, advice, guidance and training if you are a new provider or a provider judged less than good in your latest Ofsted report;
- provide you with information, advice, guidance and training as an early years and childcare provider including employees and prospective providers (*Local authorities can offer support to settings rated good or outstanding if there is evidence of need but cannot require this support is taken up*);
- undertake scheduled and ad-hoc surveys;
- contribute to wider County Council statutory duties in support of individual's education and welfare; and
- ensure compliance with our obligations under the accuracy principle of the General Data Protection Regulation (Article (5)(1)(d)), making sure our records about you and your setting are up to date.

CAPITA plc is a data processor for this information for the purpose of delivering a contract to the County Council around the hosting and supporting of the CAPITA One system. The County Council uses the Capita system to store the information provided to us, as identified under this privacy notice. This includes accessing the CAPITA One system to fix any technical issues to ensure the system is fit for use.

Open Objects is a data processor for information about childcare for the purpose of delivering a contract to the County Council around the hosting and supporting of the Open Objects system. The County Council uses the Open Objects system to store information provided to us about a childcare setting to deliver our statutory duty around publishing information on childcare options within Hampshire. This includes accessing the Open Objects system to fix any technical issues to ensure the system is fit for use.

For surveys only - Snap Surveys Limited and Snap Surveys NH, Inc is a data processor for this information for the purpose of delivering a contract to the County Council around the hosting and supporting of the Snap Survey system. The County Council uses Snap Survey to collect information provided to us, as identified under this privacy notice. Snap Surveys Limited and Snap Surveys NH, Inc will not disclose our Survey Data to anyone else, unless they are required to do so by law. Snap Surveys Limited and Snap Surveys NH, Inc privacy policy can be accessed via the following link: <https://www.snapsurveys.com/survey-software/privacy-policy-uk/>

### The categories of information that we collect, hold and share

We collect different types of Personal Data and Special Category Data depending on the activity being undertaken.

For providing information, advice, guidance and training including access to "Moodle", webinars, regular contact through the Services for Young Children (SYC) "Blog" bulletin, undertake surveys, social media (Facebook) to ensure providers are meeting statutory requirements, meeting the needs of children with special educational needs and disabilities, vulnerable and disadvantaged children; and operating effective safeguarding and child protection policies and practice, we process:

- your provider name;
- your address and contact details;
- training needs of individual staff members;
- operational and business sensitive information about the provider; and
- email addresses for communicating.

### The lawful basis on which we use this information

We collect and use the information ensuring that we comply with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA2018) requirements for processing through:

- Article 6(1)(e) – the processing is necessary to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law;
- Article 9(2) (g) – Necessary for reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguarding measures; and
- Sch.1, Pt.2, 1 – Substantial public interest conditions, for processing under the DPA2018.

These articles under the GDPR and DPA2018 are supported by the following specific legislation:

- Section 2 of the Childcare Act 2016;
- Sections 6, 7, 7A, 9A, 12, 13, 18.20, 34(1), 34(2), 46(1), 46(2) and 40 of the Childcare Act 2006;
- Early Years Foundation Stage (Exemptions from Learning and Development Requirements) Regulations 2008 (SI 2008/1743, as amended by SI 2012/2463);
- Part 3 of the Children and Families Act 2014;
- The Equality Act 2010;
- The School and Early Years Finance (England) Regulations 2017 (S.I. 2017/44);
- section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607); and
- Section 22 of the Children Act 1989.

Under this lawful basis we do not require your consent to process this information, but we are required through this privacy notice, to ensure you are fully informed of why we are collecting this information and what we will do with it.

Please note that no automated decision making occurs for any parts of these activities controlled by the County Council. The County Council does use profiling in the delivery of this service but only in support and delivery of identified groups under statutory guidance.

### Storing and Securing Data

The information you provide for all of the activities identified in this privacy notice will be held on the County Council's CAPITA One system. The information held within CAPITA One will be kept for 6 years following closure of the provider and then disposed of as appropriate. The County Council's CAPITA One system is hosted by CAPITA plc in secure UK based data centres. No information leaves the European Economic Area (EEA) and the information is encrypted when in transit between County Council users and the data centre the information is hosted within.

Correspondence and communications received (such as emails from the settings owner or manager) will be scanned (if paper based) to create an electronic record or if already electronic uploaded; and will be stored within the County Council's Document Management System (DMS), with the paper version being destroyed. The file will be linked to the record created in CAPITA One by the use of a reference identifier. The information held within the County Council's DMS will be kept in line with our retention schedule and then deleted as appropriate. The County Council's DMS is hosted by the County Council in secure UK based data centres, which are on site. No information leaves the European Economic Area (EEA).

The County Council takes its data security responsibilities seriously and has policies and procedures in place to ensure the personal data held is:

- prevented from being accidentally or deliberately compromised;
- accessed, altered, disclosed or deleted only by those authorised to do so;
- accurate and complete in relation to why we are processing it;
- continually accessible and usable with daily backups; and
- protected by levels of security 'appropriate' to the risks presented by our processing.

The County Council also ensures its IT Department is certified to the internationally recognised standard for information security management, ISO27001.

### Who do we share information with?

We do not share information with anyone unless there is a lawful basis that allows us to do so. The information then shared under a lawful basis will be necessary, relevant and proportional to the task being undertaken.

Depending on the individual circumstances of each situation, we may have to share this information with other teams within the County Council to fulfil other duties and powers to support our work. These might include our Children Missing Education (for ensuring the provision of full-time education); Data Protection Team (for personal data incidents); Admissions (for ensuring every child can apply for a school place); Virtual School (for support of children looked after); Hampshire Safeguarding Children Board; and/or Social Care teams (supporting welfare, safeguarding and corporate parent functions).

### Requesting access to your personal data and your rights

Under data protection legislation, individuals have the right to request access to information about them that we hold. To make a request for your personal information please contact the Children's Services Department's Subject Access Request (SAR) Team, whose contact details alongside further information around the process can be found via:

<https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/accessrecords>

You also have the right to:

- prevent processing for the purpose of direct marketing;
- object to decisions being taken by solely automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations.

Please note that under the GDPR, there is also a right to erasure but the right to erasure does not provide an absolute 'right to be forgotten'. Where the data being processed is for the purpose of 'complying with a legal obligation for the performance of a public interest task or exercise of official authority' (Article 6(1)(e)), this right does not apply.

If you have a concern about the way we are collecting or using your personal data, you can raise your concern with us in the first instance or you can go directly to the Information Commissioner's Office, as the supervisory authority, at <https://ico.org.uk/concerns/>.

### Contact Details

If you would like more information about these services please visit our website:

<https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/childcare>

For further information on how we handle personal information, your data rights, how to raise a concern about the way we are processing your information and the County Council's Data Protection Officer, please see our General Privacy Notice:

<https://www.hants.gov.uk/aboutthecouncil/strategiesplansandpolicies/dataprotection>