

## **Childcare Provider Privacy Notice for Data Protection**

### **How the Family Information Service will use your information:**

#### **Introduction**

General Data Protection Regulation (GDPR) 2018 is EU legislation specifically covering the control and processing of personal data. It replaces the Data Protection Act 1998 and will continue as UK data protection law post Brexit. Anyone processing personal data is, therefore, required by law to follow the principles set out in the legislation.

Sandwell Family Information Service (throughout this document referred to as “we” or “us”) is a service within Sandwell Metropolitan Borough Council (SMBC). It is a free service which helps families to access childcare and other family services. Parents, prospective parents and professionals working with families can access online, or by contacting us directly they are provided with comprehensive and up to date information about childcare and early education, including free places in their area via the Family Information Service.

Under the Childcare Act 2006 and 2016 and subsequent Early Education and the Childcare Statutory Guidance for Local Authorities, we have a legal obligation to collect and process Ofsted Registration information about your childcare service. In addition, we would also like to collect other relevant information about your childcare service which will benefit families

We will make the information we collect about you and the services you provide available to Sandwell MBC Early Years, Environmental Health, Inclusion Support Early Years and members of the public.

If you agree to us using this information, we will be able to:

- promote your services to parents, carers and other professionals
- provide you with details of training, development and other opportunities.
- In addition – SMBC Environmental Health require your information to support their statutory requirement to inspect premises where food is prepared.
- SMBC Inclusion Support Early Years require your information to support you as an inclusive service
- SMBC Early Years require your information to support your service to deliver a high-quality provision and to keep you updated on new initiatives.

#### **Under the Data Protection Act 1998 and General Data Protection Regulation (GDPR) 2018**

We need your permission to store and use the information that you give us because some of it may be personal data or sensitive personal data. We will be a data controller under this Regulation

The personal data will be your name/business name, home address/business address, contact telephone number, email and your social media accounts.

It could also appear in a description of the services being provided by an individual (as opposed to an organisation).

Because of your involvement in delivering activities, the information you provide may also contain sensitive personal data pertaining to your racial or ethnic origin, political opinions, religious beliefs, physical or mental health or condition or sexual life, for example.

Please note we take no responsibility for the accuracy of the information supplied by Ofsted.

Allowing us to use information you 'own'

You may own the copyright or other similar rights in some of the information that you give us, for example text that describes your services that appear on your website, within leaflets or other marketing materials.

In case this applies to some of the information you give us, we need your agreement to store, use and pass on this information as well.

Liability for publishing your information lies with you. You agree to indemnify Sandwell Local Authority and the Department for Education against all claims, demands and legal actions resulting from the publication of your information.

You have the right to request a copy of the personal information we hold at any time.

Your agreement

By providing us with your information including personal data, sensitive personal data and information in which you own the copyright or other similar rights and completing the attached consent form you are specifically giving us, permission to:

1. Store, maintain and publish the information you have given us and use it for the following purposes:
  - provide information to parents, prospective parents and professionals working with families either electronically or in a printed format to help families choose services which fit their needs
  - run our Family Information Service as set out in statutory guidance
  - use the information statistically to assess whether there is sufficient childcare in the borough under statutory guidance
  - contribute to government initiatives to support and provide information to parents
2. You are agreeing to make this available to members of the public:
  - verbally -by phone or face-to-face
  - in writing – in print or by email or fax
  - digitally – see below for an explanation of this

### Understanding digital publishing

Digitally means:

- via the Internet, for example on websites, social media or other online services
- on mobile phones on websites designed for mobiles, mobile applications and text or MMS messaging
- within kiosks
- digital displays for example televisions, monitors and projectors
- other digital communications mechanisms and devices.

By agreeing to us making your information available digitally, you are enabling us to publish it on:

our Families Information Service website [www.fis.sandwell.gov.uk](http://www.fis.sandwell.gov.uk)  
SMBC Early Years website [www.sandwell.gov.uk/earlyyears](http://www.sandwell.gov.uk/earlyyears)

It is important that you do allow us to make your information available in these ways because they are often the most convenient ways for parents to access it.

### Personal data on the Internet

Information, personal data, and sensitive personal data available via the Internet may be accessed in territories outside the European Union, which may operate differing levels of data protection than apply within the European Union.

### Individual rights

You have the right to be informed about how your personal data is processed in a clear and concise manner including fair processing information.

You have the right to access your personal data and supplementary information, which includes being made aware of the lawfulness of processing your data

You have the right to rectify inaccuracies or omissions in your personal data

You have the right to have your data deleted or removed

You have the right to block or suppress the processing of your personal data

You have the right to obtain and reuse personal data in a commonly used format

You have the right to object to the processing of your data on grounds relating to your situation

### Consent for Childminders and Home Childcarers Only

If you provide childcare from your or someone else's home we will seek explicit consent from you as to which part of your personal data is published on the Internet and other digital media. This will prevent people from finding out your specific address, if that is what you consent to. If you request to have your address hidden, we will only allow part of your postal address to be published

*How we will handle your information*

Sandwell MBC Family Information Service and Early Years and Government Departments are all required to store your personal data and sensitive personal data securely and the General Data Protection Regulations 2018

*Retention of your information*

We are required under the Childcare Act 2006 and 2016 to maintain and publish Ofsted registration information about individual childcare providers. Retention of Ofsted information is until it is no longer available from Ofsted and is no longer published by Ofsted.

In addition, all other information supplied to us by you for publication will be retained until you are no longer Ofsted registered or until you inform us you no longer wish us to hold your additional information. Information deleted by us will be permanently removed from all electronic files.

Please note that if you inform us you no longer wish us to hold additional information about your service but you are still on the Ofsted register, the Ofsted Register information will still be held by us but will not be made publicly available.

We will contact you once each term by email or telephone to remind you to access the website and confirm that the additional information we hold is still accurate.

*If you are unhappy*

You have the right to complain at any time about the control and processing of your personal data by us.

You can contact Sandwell Family Information Service by phone on 0121 569 4914, in writing at the below address or by email [family\\_information@sandwell.gov.uk](mailto:family_information@sandwell.gov.uk) if you are unhappy with anything relating to the processing or use of your personal data or sensitive personal data.

If you are not satisfied with our response, you may complain to the Information Commissioner's Office. Their helpline number is 0303 123 1113. Information on how to make a complaint available at [www.ico.gov.uk/complaints/data\\_protection.aspx](http://www.ico.gov.uk/complaints/data_protection.aspx).