



# PRIVACY AND COOKIES POLICY

## CASTLE EALRY BIRDS - GENERAL PRIVACY NOTICE

### 1 INTRODUCTION

1.1 We are committed to protecting and respecting the privacy of you and those we provide services for and to. Castle Early Birds is a childcare service provider. In this privacy notice, references to "we", "us", "our", or "Company" is a reference to Castle Early Birds.

1.2 This privacy notice deals with any personal data we process, whether as a result of you using our website, applying to work for us, making enquiries about or signing up for our services or otherwise. It sets out the basis on which any personal data we collect from or about you is handled by us in the course of our relationship with you, your pupil or your child. For example, this notice applies to you if you are a visitor of the website or our locations, potential recruit, staff member, next of kin, supplier or potential supplier, alumni, prospective or actual pupil or participant or parent of a prospective or actual pupil or participant.

1.3 Please read the following carefully to understand our views and practices regarding personal data.

1.4 We comply with all applicable data protection laws and regulations ("**Data Protection Legislation**"), which may include the General Data Protection Regulation 2016/679 ("GDPR"), the retained EU law version of the GDPR ("UK GDPR"), the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426). The Data Protection Legislation continues to change in the UK and we continue to update our practices in light of these changes. .

1.5 If you are reading this privacy notice online, we recommend that you print and retain a copy for future reference.

## 2 INFORMATION WE COLLECT

**Information given to us by you or, if you are a pupil, participant or prospective pupil or participant, given to us by your parent or teacher**

2.1 We may receive personal data about you, your child in a number of ways including as a result of:

2.1.1 using, visiting or interacting with our website (such as filling out forms or registering for services or marketing communications);

2.1.2 visiting our Club;

2.1.3 during an interview or meeting;

2.1.4 corresponding with us by phone, e-mail or post;

2.1.5 sending information directly to us, for example when paying our fees, giving us medical records or information about you or a child's health, signing up to our terms and conditions or providing information as requested by us and/or which is necessary in light of your relationship with us;

2.1.6 signing up to and attending one of our Clubs.

2.2 Information you provide to us may include:

2.2.1 full name;

2.2.2 contact details for you and/or the child (including home address, e-mail address, mobile, home and/or work phone number); and

2.2.3 financial and credit card information.

2.3 If you are sharing information with us as an actual or prospective participant or pupil or parent or teacher of an actual or prospective participant or pupil, in addition to the information listed in paragraph 2.2, information you provide to us may include:

2.3.1 gender;

2.3.2 date of birth;

2.3.3 current registered doctor's surgery; and

2.3.4 family circumstances (including your relation to the child) and next of kin.

2.3.5 parent login information (i.e. username and password) for the website;

2.3.6 which club site(s) the child has visited;

2.3.7 year group and school contact details;

2.3.8 friendship requests;

2.3.9 education and health records (including special education needs, medical or physical conditions and/or accidents);

2.4 If you are sharing personal data with us as a potential recruit or existing staff member, in addition to the information listed in paragraph 2.2, information you provide to us may include:

2.4.1 photograph;

2.4.2 marital status;

2.4.3 National Insurance number;

2.4.4 salary;

2.4.5 employment history;

2.4.6 previous educational records and achievements;

2.4.7 references (as an applicant or potential supplier);

2.4.8 passport details, nationality and other information relating to immigration status;

2.4.9 information received via safeguarding forms when visiting a site;

2.4.10 information about your physical or mental health or disability status; and

2.4.11 information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation.

2.5 It is important that the personal data we hold is accurate and current. Please keep us informed if any personal data given to us changes during the course of the relationship between us and you, your child.

2.6 Where we need to collect personal data by law or in order to perform a contractual obligation and you, your parent or your teacher fails to provide that data when requested, we may not be able to perform the contract and/or provide you with services. We will notify you, your parent or your teacher where this is the case.

### **Technical information we collect when someone visits our website**

2.7 When someone visits our website we may automatically collect the following information:

2.7.1 technical information, including the Internet Protocol (IP) address used to connect a computer to the Internet, geographical location, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform and referral site; and

2.7.2 information about the visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our website (including date and time); pages viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call our number.

2.7.3 We partner with Microsoft Clarity and Microsoft Advertising to capture how you use and interact with our website through behavioural metrics, heatmaps, and session replay to improve and market our products/services. Website usage data is captured using first and third-party cookies and other tracking technologies to determine the popularity of products/services and online activity. Additionally, we use this information for site optimization, fraud/security purposes, and advertising. For more information about how Microsoft collects and uses your data, visit the [Microsoft Privacy Statement](#).

2.8 Our website may contain links to and from the websites of our partner networks, advertisers, suppliers and affiliates. Please note that when following a link to these websites, they are not covered by this notice and may have their own privacy notices. We do not accept any responsibility or liability for these notices. Please check these third party notices before submitting any personal data to these websites.

### **Information we receive from other sources**

2.9 We may be working closely with third parties (including, for example, recruitment agents, previous employers, medical practitioners, schools and education authorities, local and public authorities, photographers, suppliers, payment and delivery services, debt collectors, lawyers and credit reference agencies) and may receive information about you, your child or pupil from them.

2.10 We may also use CCTV footage to ensure our sites and activities are safe.

2.11 We may receive information if you or your parent, child, teacher or pupil uses any of the other websites our Group (as defined in paragraph 3.10.2 below) operate or the other services our Group provides. In this instance we may act as processor rather than controller of the relevant personal data depending on the circumstances.

### 3 USES MADE OF THE INFORMATION

**Information given to us by you or, if you are a pupil, participant or prospective pupil or participant, given to us by your parent or teacher**

3.1 We will use the information we receive to pursue the following legitimate interests (as applicable to our relationship with individual the data relates to):

3.1.1 to promote our objects and interests, ensuring the most efficient management of the organisation and that its legal obligations are adhered to, provided the interests and/or fundamental rights of you, your child or pupil do not override those interests;

3.1.2 to enforce our terms of use with you or any other contract we may have with you;

3.1.3 for the purposes of recruitment and to meet our employment obligations;

3.1.4 if you are a supplier or potential supplier, to enable us to receive your services;

3.1.5 to enable you, your child to receive our services and keep you updated with your child's progression;

3.1.6 to protect the welfare of children in our care;

3.1.7 to manage any queries or disputes you or a child has with us or that we have with you, your child;

3.1.8 to comply with a legal obligation or government/regulatory guidance; and

3.1.9 subject to paragraph 3.11, where you, your child or pupil have attended one of our clubs, to keep you up to date with key school news and upcoming events and to send out surveys to you by email or SMS in order for you to provide feedback to us on our services.

3.2 In order to pursue the legitimate interests referred to in paragraph 3.1, we may rely on software applications and other technology to process personal data. The third parties we use to deliver these applications are carefully chosen and vetted by us to ensure that, among other things, your information is kept secure. For further information on the kind of technology we use, please contact our Data Protection Officer (see paragraph 9).

3.3 We will also use the information we receive as is necessary to carry out our obligations arising from the contract (or potential contract) between you and us and to provide the information and services requested from us or receive the services we request from you. For example, we may be recruiting you for a role at the Company or responding to an enquiry about our services and will use personal data where necessary to recruit you or provide our services.

3.4 If you are sharing personal data with us as a potential recruit or existing staff member, some of the data you share with us may be particularly sensitive. Processing of this sensitive personal data may be necessary to meet certain legal obligations and/or to protect your vital interests or those of any children in our care, specifically:

3.4.1 passport details, nationality and other information relating to immigration status may be processed to meet our legal obligations as a potential or actual employer;

3.4.2 information received via safeguarding forms when visiting a site may be processed to ensure the welfare of children in our care;

3.4.3 information about your physical or mental health or disability status may be processed to ensure health and safety at our sites, to assess your fitness to work and to provide appropriate adjustments; and

3.4.4 information about your race or national or ethnic origin, religious, philosophical or moral beliefs or your sexual life or sexual orientation may be processed to ensure meaningful equal opportunity monitoring and reporting.

3.5 In addition, we may be required by law to do the following (which is not an exhaustive list):

3.5.1 keep an accounting record of payment;

3.5.2 provide personal data to public authorities; and

3.5.3 keep a record to evidence fair employment practices.

3.6 Inevitably, there will be an overlap between what we do that is necessary to (a) perform our contractual obligations, (b) carry out our legal obligations and (c) pursue a legitimate interest although we have tried our best to distinguish these as set out above. If you have any questions about these please contact our Data Protection Officer (see paragraph 9).

## **Technical information we collect when someone visits our website**

3.7 We will use this information for the following legitimate interests:

3.7.1 to contact someone who has made an enquiry to us via our online enquiry form or applied for a job;

3.7.2 to administer our website and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;

3.7.3 to improve our website to ensure that content is presented in the most effective manner, and the online experience is as effective and appropriate as possible, for the user and for the user's computer;

3.7.4 as part of our efforts to keep our website safe and secure.

## **Information we receive from other sources**

3.8 We may combine the information set out in paragraphs 2.9 and 2.10 with information given to us by you or, if you are a child, participant or prospective child or participant, given to us by your parent or teacher, and information we collect from visits to our website. We may use this information and the combined information for one of the purposes set out above (depending on the types of information we receive). For example, if you have applied for a role with us we may receive a reference from a previous employer relating to you, which may impact a recruitment decision.

3.9 In addition, if you are sharing information with us as an actual or prospective participant or child or parent or teacher of an actual or prospective participant or child, you or health practitioners may provide us with information (particularly sensitive personal data) about you, your child which may need to be added to our medical, special educational needs or child protection file. This kind of processing of sensitive personal data may be necessary (a) for medical diagnosis or provision of health care and/or (b) to protect the vital interests of you, your child or another person taking into account the mental and physical capacity of the individual. In order to achieve this, we may do the following:

3.9.1 keep a list of you, your child's allergies or medical requirements in case of emergency. It is necessary for us to have a list readily available to our staff so that we are able to look after individuals promptly in the event of a medical emergency; and

3.9.2 rely on software applications and other technology to process medical information (such as allergies, accidents and injuries) about you, your child. For further information on the kind of technology we use, particularly in the context of processing sensitive personal data, please contact our Data Protection Officer (see paragraph 9).

### **When we disclose information**

3.10 In order to pursue one of the legitimate interests set out above, we may share personal information with:

3.10.1 other schools;

3.10.2 local authorities, DFE, education authorities (for example, Ofsted), the Department for Education, SEN co-ordinators, social services or the police where we have reason to believe there are safeguarding concerns in respect of a child;

3.10.4 where your child is not British, we may have to provide information about you, your child to UK Visas and Immigration;

3.10.5 business partners, professional advisors, suppliers and sub-contractors for the performance of any contract we enter into with them or you; and

3.11 We may disclose personal information to third parties if we are under a duty to disclose or share personal data in order to comply with any legal obligation, or in order to enforce or apply our terms of use and other agreements. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

### **Where we need to get consent from you or your parent**

3.12 We will not market services without your consent or, if you are under 16 years of age, the consent of your parent and you have the right to ask us not to use your contact details for marketing.

3.13 if you are sharing information with us as an actual or prospective participant or parent or teacher of an actual or prospective participant or child;

3.13.1 we will also seek your, your parent's if we decide to post any photographs of you, your child on any of our marketing materials (including our prospectus, advertisements or website); and



3.13.2 you, your or child do not have to give us details about your/their race, religion or ethnicity. If this information is provided, we only use these details to assist us with the day-to-day running of the school, camp or trip (for example, if your/their religion means that he or she has particular dietary requirements then we will of course be much better informed if we have this information to cater to your/their requirements) and for equal opportunities monitoring purposes.

If consent has been given by a teacher or a school on behalf of a parent or child, we will assume that the parent or child has consented and will work with the teacher or school in getting that consent. Where you have given consent to the above, you can withdraw this consent at any time.

#### **4 TRANSMISSION OF PERSONAL INFORMATION OUTSIDE THE UK OR THE EEA**

4.1 The data that we process may be transferred to, and stored at, a destination outside the UK, or the European Economic Area (“EEA”). We try to limit this where possible, but it may be necessary where, for example, one of our suppliers has a data centre outside the UK or the EEA. We will take all steps reasonably necessary to ensure that data is treated securely and in accordance with this privacy notice and that the appropriate legal safeguards are in place prior to the transfer, for example ensuring that any contracts between us and the recipient of the information have standard data protection clauses or the country we are transferring the data to is deemed by the UK Government as an adequate country.

#### **5 YOUR RIGHTS**

5.1 Under Data Protection Legislation, you have the following rights:

5.1.1 **Right to correction.** You have the right to have inaccurate personal data about you rectified.

5.1.2 **The right to erasure.** You have the right to request that we delete your personal data where: (a) the personal data is no longer necessary in relation to the purposes for which they were collected or processed; (b) you withdraw your consent to processing for which we previously obtained your consent or consent from your parent or teacher; (c) you object to the processing and, as a result, we agree to cease that processing (please see paragraph 5.1.5 for more details); (d) the personal data has been unlawfully processed; or (e) we are required to erase the personal data in order to comply with the law.

**5.1.3 Right to restriction.** You have the right to obtain from us the restriction of processing where: (a) you contest the accuracy of the personal data we hold about you; (b) the personal data has been unlawfully processed; (c) we no longer need the personal data but it is required in limited circumstances; or (d) you object to the processing and, as a result, we agree to cease that processing (please see paragraph 5.1.5 for more details).

**5.1.4 Right to request transfer.** In certain circumstances, you have the right to receive personal data from us in a structured, commonly used and machine-readable format and the right to have such personal data transmitted to a third party organisation.

**5.1.5 Right to object.** You have the right to raise an objection to any of our processing in paragraphs 3.1 and 3.2. Please tell us if you object to any type of processing that we do and we will work with you to address any concerns you may have.

**5.1.6 Right to object to marketing.** If you do not want us to process your personal data for direct marketing, please tell us and we will ensure that we no longer do this.

**5.1.7 Right to complain to the ICO.** Whilst we would always prefer it if you approached us first about any complaints or queries you may have, you always have the right to lodge a complaint with the Information Commissioner's Office.

**5.1.8 Right to request access.** You have the right to access personal data we hold about you. Please contact our Data Protection Officer if you wish to do so (see paragraph 9).

## **6 HOW LONG WE KEEP PERSONAL INFORMATION**

**6.1** We will not keep any personal data for any longer than is necessary for the purposes for which the personal data was collected or satisfying any legal, accounting or reporting requirements.

**6.2** We follow a personal data retention policy which determines how long we keep specific types of personal information for. For further information about the criteria we use to determine what periods we keep specific information, please contact our Data Protection Officer (see paragraph 9).

## **7 USE OF OUR WEBSITE**

7.1 Where we have given you (or where you have chosen) a password which enables you to access certain parts of our website or other system, you are responsible for keeping this password confidential. We ask you not to share a password with anyone. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our website; any transmission is at your own risk. Once we have received information, we will use strict procedures and security features to try to prevent unauthorised access.

## **8 COOKIES**

8.1 Our website uses cookies to distinguish between each user of our website. This helps us to provide users with a good experience when browsing our website and also allows us to improve our site.

## **9 CONTACT US**

9.1 Questions, comments and requests regarding this privacy notice should be addressed to our Data Protection office [castleearlybirds@outlook.com](mailto:castleearlybirds@outlook.com)

## **10 CHANGES TO OUR PRIVACY NOTICE**

10.1 Any changes we make to this privacy notice in the future will be posted on our website and, where possible and appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy notice.