

Data Protection Policy

Akasia Barnehage AS



Akasia
-verdier for generasjoner

Data Protection Policy for Akasia barnehage AS

This policy outlines how your personal data is used when you have a child in one of Akasia's daycares.

It is important to Akasia that our Data Protection Policy is transparent and accessible, and that our clients know that their personal data will be processed in concordance with the European General Data Protection Regulations and the Norwegian Data Protection laws.

Akasia's Data Protection Policy details which personal data is used, why this specific data is necessary, how we use these personal data and what options and rights you have regarding your personal data.

Data Controller

The CEO of Akasia is legally responsible for the processing of personal data in Akasia Barnehage AS on behalf of the company.

Required Personal Data:

- Name- of child and parents/guardians
- Birth date – of child and parents/guardians
- Address – of child and parents/guardians
- Contact information – parents/guardian and other specified individuals who are permitted by parents/guardians to deliver/pick up child in daycare.
- Declaration of Health
- Details regarding child's physical and cognitive development
- In some instances, the child's medical history

Purpose and intention of usage of Personal Data

To comply with legal requirement as a daycare provider, Akasia needs certain personal data.

We use this data to ensure that the daycare we offer in Akasia is based on cooperation with parents/guardians, and that we provide the necessary service through email, telephone, text messages and social media.

Legal bases for Processing:

Document/Information regarding:	Legal bases
Application of daycare placement.	The Norwegian Personal Data Act ¹ ("Lov om behandling av personopplysninger"), article 6, section. B
Children with special needs	The Norwegian daycare law: "Lov om barnehager" chapter. 5 and article 6, section. B
Declaration of Health	"Lov om barnehager" §23
Charting (i.e. charting of a child's development)	The Norwegian Personal Data Act, article 6, section. B
Contact information	The Norwegian Personal Data Act, article 6, section. A og B
Consent form	The Norwegian Personal Data Act, article 6, section. A og B
Report of injury form	The Norwegian Personal Data Act, article 6, section. B
Information to Social Services or the Norwegian Child Welfare Services (Barnevernet)	"Lov om barnehager" §§21 and 22

The Norwegian Personal Data Act, article 6, section. A:

*"The data subject has given consent to processing of personal data for one or more specific purposes"*²

The Norwegian Personal Data Act, article 6, section B:

*«Processing is necessary to fulfill a contract to which the data subject is party, or to take steps at the request of the data subject prior to entering into such a contract»*³

¹ "Lov om behandling av personopplysninger", in English:

<http://app.uio.no/ub/ujur/oversatte-lover/data/lov-20000414-031-eng.pdf> Articles and sections listed her correspond to the Norwegian "Lov om behandling av personopplysninger", as the English version is not legally recognized.

² Please note that this is a translation of the official law, it is not legally binding. Please see the original formulation in Norwegian in "Lov om behandling av personopplysninger" to find the legally binding legislation. The article and section given correspond directly to the Norwegian legislation, and not the English translation.

³ See footnote 2.

Source of personal data

A client's personal data is mainly sourced from parents/guardians – either directly from them, or indirectly through the admissions management system used for applying and allocating daycare placements.

Akasia is granted access to information specifically regarding children with special needs, by the centers for assessment and allocating of help regarding special educational needs and special needs in children.

Disclosure of personal data

Akasia will disclose necessary personal data or documents to the child's school, this will only be done in cooperation with the child's parents or guardians.

Akasia's daycares will give necessary information to the Social Services or the Norwegian Child Welfare Services (Barnevernet) in concordance with Norwegian laws, specifically "Lov om barnehager" §§ 21 and 22.

Deleting of personal data

Personal data regarding a child/children and parents/guardians will be deleted when the child's daycare placement is terminated.

Data subject's legal rights

Parents/guardians are legally entitled to access to the archive folder containing their child's personal data.

If a document is incorrect or contains an error, parents/guardians can demand that this document be deleted or altered. They are also entitled to send a formal complaint to the government inspectional authority. In this case, the inspecting authority is the Norwegian Data Protection Authority (Datatilsynet).

Data security

Personal data are stored in the following ways:

Documents/information regarding:	Stored	Access
Application of daycare placement	In the electronic admission management system	Head of daycare ⁴ Section manager ⁵

⁴ Norwegian job title: Styrer

⁵ Norwegian job title: Områdeleder

	(IST). Requires log-in via the ID-portal.	
Children with special needs	Locked archive	Head of daycare Educational supervisor ⁶ Special needs teacher ⁷
Declaration of Health	Locked archive	Head of daycare Educational supervisor
Charting (i.e. charting of a child's development)	Locked archive	Head of daycare Educational supervisor
Contact information	In the daycare section your child is placed in	All employees Other parents when consent is given
Consent form	Locked archive	Head of daycare Educational supervisor
Report of injury form	Locked archive	Head of daycare Educational supervisor
Information to Social Services or the Norwegian Child Welfare Services (Barnevernet)	Locked archive	Head of daycare Educational supervisor

If a situation arises where information must be given to the rest of the staff in the daycare to accommodate a child's specific need, then the necessary information will be given to the necessary staff.

Changes to Akasia Data Protection Policy

Akasia Barnehage AS's Data Protection Policy is subject to changes in the legal laws regulation the processing av personal data.

An updated Data Protection Policy will always be available on our website: <https://akasiabarnehage.no/>

⁶ Norwegian job title: Pedagogisk leder

⁷ Norwegian job title: Spesialpedagog

Contact information

Queries regarding which personal data is registered in Akasia's systems, and request for altering or deleting incorrect data, can be sent to the addresses listed below. Please note that these requests must be presented in a written form.

E-mail: behandlingsansvarlig@akasia.no

Post address:

Akasia barnehage AS
Postboks 4, Ytre Laksevåg
5848 Bergen

Information regarding storing of personal data

Topic: Application for daycare placement

Akasia coordinates with Bergen County and uses their admissions system to process applications for daycare placements. The admission management system they use is called IST barnehage.

See following excerpt from Bergen County's website:

The daycare or school receives contact information regarding the child and the child's parents/guardians.

The contact information is then registered in the admission management system, "IST barnehage- og SFO". This is done in concordance with the Norwegian Daycare law "Barnehageloven"⁸ and the Norwegian education law "Opplæringsloven"⁹.

Names and addresses will automatically be updated daily, so that they match the Bergen County's Resident Registry. Please inform the Norwegian National Registry (Folketrygden) of any address changes.

When an application for a daycare placement is received, the following information is recorded in the admission management system 'IST barnehage':

- The child's name, address and birth date.
- The parents' and/or guardians' name, address, birth date, telephone number and email address, if these are listed in the application.

Paper applications used to apply for priority in the daycare admissions process or reduced parental pay are stored in Bergen County's Daycare Section. Files on children in daycare will not be transferred to a child's future school.

For more information regarding:

- Authorized access to information.
- Criteria and conditions
- About the application process
- Laws and regulations

⁸ <https://lovdata.no/dokument/NL/lov/2005-06-17-64>

⁹ <https://lovdata.no/dokument/NL/lov/1998-07-17-61?q=Opplæringsloven>

- Notification of discrepancies or errors

Please see Bergen County's website for more information:

<https://www.bergen.kommune.no/tjenestetilbud/barn-og-familie/barnehage/barnehageplass/registrerte-personopplysninger-i-barnehage-og-skole-innsynsrett-og-melding-om-avvik>

Information regarding storing of personal data

Topic: Children with special needs

The Norwegian daycare-law «Lov om barnehager» §19a 'Rett til spesialpedagogisk hjelp' (the right to special educational assistance)

states: «Children under 16 years old are entitled to special educational assistance if they have special needs¹⁰».

Personal data for children with special needs are stored in the following way:

Copy of referral to the Educational-Psychological Service (PPT)

When special education assistance is requested by the daycare, the county's Educational-Psychological Service assesses the need for this. The Educational-Psychological Service is legally bound to compile an expert assessment of the child's special needs.

If the child's parents or other adults connected to the child, for example the daycare, are worried about the development of the child, the child can be referred to the Educational-Psychological Service for an expert assessment. If the daycare wishes to refer the child to the Educational-Psychological Service, they must get consent from the child's parents/guardians prior to referral.

A copy of the referral for expert assessment of the child's special needs by the Educational-Psychological Service and the written consent from the parents/guardians, will be stored in the daycare's archives. These documents are stored to document the parents/guardians and daycare's assessment of the child's need for special educational assistance.

Copy of expert assessment

If a child's parents or other adults connected to the child have reported an official concern regarding the child's need for special educational assistance, and this has resulted in an expert assessment from the Educational-Psychological Service, then this expert assessment is stored for official record.

An expert assessment consists of an investigation to assess whether the child has a need for special educational assistance, and subsequently relaying their finds regarding the child's need or lack thereof to the county.

An expert assessment set the legal foundation for an official decision regarding the child's need of special educational assistance.

A copy of the expert assessment is stored in the daycare's archives, as legal documentation for the child's need for special educational assistance.

¹⁰ Please note that this is a translation of the official law, it is not legally binding. Please see the original formulation in Norwegian in "Lov om barnehager" to find the legally binding legislation.

Official decision regarding the child's need of special educational assistance

The official decision regarding a child's need of special educational assistance outlines which types of assistance the child is to receive, how long this assistance will be given for and the time-frame, how the assistance is to be organized and what credentials those administering the assistance need to have.

A copy of the official decision regarding the child's need, is to be stored in the daycare's archives, as legal documentation for the application for extra resources allocated the child to meet his or her needs.

In addition to the official decision, the daycare is also required to document the total number of hours the child has been granted special educational assistance. The daycare must report this sum to the authorities.

Individual development plan

All children under 16 who receive special educational assistance, are entitled to an individual development plan.

An individual development plan is a plan that covers that totality of the assistance that the child is receiving in daycare. The plan documents how the assistance is given and is also a tool in the daily follow-up with the child.

Yearly report

A yearly report is required each year. This report must contain a written overview over the special educational assistance the child has received and an assessment the child's development in the past year.

Information regarding storing of personal data

Topic: Declaration of Health

The Norwegian daycare-law «Lov om barnehager», §23 states the following regarding the status of the child's health: «*Before a child begins in daycare, one must submit a Declaration of Health describing the child's health. If the child has followed the customary check-ups at The Child Health Center¹¹, the child's parents may fill out the Declaration of Health.¹²*»

Purpose of collecting a declaration on the child's health:

- To ensure that the daycares employees are given the necessary information regarding each child's physical- or cognitive challenges, so that they can adjust their approach to the children and ensure that each child's needs are met.
- The Declaration of Health cannot be more than 6 months old when the child starts daycare.

«Declaration of health status of children in Akasia's daycares¹³»

includes the following personal data:

- The child's name, address and birth date
- The parents' or guardians' names, addresses and telephone numbers
- Contact persons' names, addresses and telephone numbers. These are used if the child is sick and must be pick up from the daycare, and the daycare have not succeeded in reaching the child's parents or guardians.
- Contact information for the child's doctor
- Information regarding which Child Health Center the child is allocated
- Documentation showing if the child has followed the standardized vaccination program at the Child Health Center.
- Information outlining any health issues the daycare must know about in order to meet the child's specific needs.
- Information regarding any medication the child uses or may need.

¹¹ In Norwegian: Helsestasjonen

¹² Please note that this is a translation of the official law, it is not legally binding. Please see the original formulation in Norwegian in "Lov om barnehager" to find the legally binding legislation.

¹³ In Norwegian: Erklæring om helsetilstand for barn i Akasia sine barnehager

Information regarding storing of personal data

Topic: Charting

Documentation:

Akasia Barnehage documents the educational service that the daycare provides, so that we can ensure that our approach is within the official requirement specification outlined in both the "barnehageloven" and the "Framework Plan for Kindergartens"¹⁴.

Documentation helps us ensure that we safeguard each child's needs and give parents/guardians and personnel the essential information regarding what the child experiences and learns, and how the child is developing.

Documentation occurs in several form, for example photography, videoclips and observation.

Charting:

In order to follow up and give each child an opportunity for a customized and beneficial education, Akasia uses charting tools to assess the child's needs and development if we perceive a need for the specific child.

Parents/guardians may be asked to review documentation and charting of their child, this is done through a consent form.

¹⁴ In Norwegian «Rammeplan for barnehagen», English version from 2017 available here: <https://www.udir.no/globalassets/filer/barnehage/rammeplan/framework-plan-for-kindergartens2-2017.pdf>

Information regarding storing of personal data

Topic: Contact information

The daycares need to have lists with contact information of all the children's parents or guardians, so that they quickly can contact parents/guardians in an event that demands immediate attention or response. Such as:

- Illness
- Injuries
- Fire
- Serious events

Contact lists include information regarding parents'/guardians' names, addresses, telephone (mobile/cellphone, private and job phone), and email.

A parent/guardian of a child attending daycare may request a copy of the list of names of the children in the daycare and contact information to the parents/guardians of these children.

Parents/guardians are asked to decide if they accept being included on the list of names that can be given out to other parents in the daycare, this is done through a consent form.

Information regarding storing of personal data

Topic: Consent form

Akasia Barnehage have a need for consent from parents/guardian in different circumstances. We need this consent in order to act in concordance with the parents' and/or guardians' wishes.

Consent is voluntary and collect annually. Parents/guardians can at any time rescind or change their consent.

Consent is needed and requested for the following areas:

- Documentation
- Charting
- Use of photography and pictures
- Internet and intranet
- Media
- Parents'/guardians' pictures/films from the daycare
- Trips
- Contact lists
- Pick up (a child from daycare)

Information regarding storing of personal data

Topic: Report of injury form

Akasia Barnehage registers all injuries that occur when the child is in the daycare, this is registered in an internal report of injury form. Akasia annually writes a report detailing the injuries that have occurred the past year.

Serious injuries are immediately reported to the insurance company – in cooperation with the parents/guardians.

A copy of the report of injury form is given to the parents/guardians.