

5.8 Data protection and Privacy

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5.8 Data protection and Privacy

Policy Statement

To operate safely and effectively, **Miss B's Nursery** must collect, store and use personal information relating to children, parents, carers, staff, volunteers and other individuals connected with the setting. This information is necessary in order for the nursery to provide high-quality early years education and care, administer places, safeguard children and fulfil legal responsibilities, including those outlined in the **Statutory Framework for the Early Years Foundation Stage (EYFS)**.

Miss B's Nursery processes personal data in accordance with the **UK General Data Protection Regulation (UK GDPR)** and the **Data Protection Act 2018**. The nursery is registered with the **Information Commissioner's Office (ICO)** as a Data Controller.

Our approach to confidentiality and information sharing is informed by the government guidance **"Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers"** (May 2024). This guidance recognises that information should normally be shared with informed consent. However, information may be shared without consent where there is a legitimate safeguarding concern or where failing to share information could place someone at risk of harm.

Miss B's Nursery respects the privacy and dignity of children and their families while ensuring that children receive safe and effective early years education. Parents and carers should feel confident that the information they provide will be handled responsibly and used only to support their child's well-being.

This policy also reflects children's rights under the **United Nations Convention on the Rights of the Child (UNCRC)**, including:

- **Article 3** – The best interests of the child must be a primary consideration.
- **Article 16** – Children have the right to privacy and protection of personal information.
- **Article 19** – Children have the right to protection from harm.
- **Article 28** – Children have the right to education.

Miss B's Nursery maintains secure systems for recording and managing information in accordance with the **Human Rights Act 1998**, the **Data Protection Act 2018**, and guidance issued by the **Information Commissioner's Office**.

Introduction

Miss B's Nursery collects and processes information about children, parents, staff, contractors and visitors in order to provide early years education and manage the operation of the setting.

The nursery is committed to protecting the rights and privacy of all individuals whose information it holds and ensures that all data handling practices comply with current data protection legislation.

Purpose of this policy

This policy explains how Miss B's Nursery:

- collects, uses and manages personal information.
- ensures compliance with UK GDPR and the Data Protection Act 2018.
- protects individuals' rights and privacy.
- minimises the risk of data breaches.
- ensures consistent procedures for storing, managing and disposing of data.

Scope of the policy

This policy applies to all activities carried out by Miss B's Nursery, including:

- nursery premises and associated work locations.
- all staff, volunteers and students.
- contractors or organisations working on behalf of the nursery.

The policy applies to any information that identifies an individual. This may include:

- names and addresses
- telephone numbers and email addresses
- photographs
- dates of birth
- bank or payroll information
- health or medical details
- identity documents
- recruitment records
- accident and incident reports
- employment records
- any other identifiable personal information.

2. Data Protection Commitment

Miss B's Nursery is committed to complying fully with data protection legislation. The nursery will:

- protect the privacy and rights of individuals whose data it holds.
- process information fairly, lawfully and transparently.
- collect data only for legitimate and clearly defined purposes.
- Keep records accurate and up to date.
- retain data only for as long as necessary.
- ensure appropriate security measures are in place.

- respect individuals' rights to their personal information.
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3. Roles and Responsibilities

All staff members have a responsibility to ensure personal information is handled appropriately.

Registered Provider / Senior Leadership

The registered provider or nursery leadership team has overall responsibility for ensuring that data protection procedures are implemented and maintained.

Responsibilities include:

- ensuring legal compliance with data protection legislation.
- allocating appropriate resources for data protection management.
- appointing a suitable person to oversee data protection procedures.

Data Protection Lead

Miss B's Nursery appoints a designated person responsible for overseeing data protection arrangements.

The Data Protection Lead will:

- ensure the nursery remains registered with the ICO.
- Review the data protection policy regularly.
- Monitor compliance with legislation.
- coordinate responses to Subject Access Requests.
- Investigate data breaches.
- Ensure breaches are reported to the ICO within 72 hours where required.
- Provide guidance and training to staff.
- Review contracts with external organisations that process data.
- Maintain records of data processing and storage.
- oversee secure IT systems and data storage arrangements.

Staff Responsibilities

All employees must:

5. Organisation, information and documentation

- Use personal information only for legitimate work purposes.
- ensure information is accessed only by those who need it.
- Verify the identity of anyone requesting information.
- store information securely.
- Use strong passwords and secure devices.
- Keep information accurate and up to date.
- Seek guidance if unsure about handling information.
- Dispose of confidential records appropriately.

Staff working outside the nursery premises must ensure that:

- Only approved devices are used where possible.
- personal data is not stored on personal USB devices.
- Confidential information is not left unattended.
- Documents containing personal information are securely returned to the nursery for disposal.

4. Personal Data

Miss B's Nursery processes personal data only where there is a lawful basis to do so.

To ensure transparency, the nursery will:

- explain how personal data is used in privacy notices.
- collect only the information necessary for its purpose.
- regularly review and update information.
- Respond to Subject Access Requests.
- correct inaccurate or outdated data when identified.

Children's Data

As an early years provider, the nursery processes significant amounts of information about children. Extra care is taken to protect children's personal data.

5. Organisation, information and documentation

Where children are under 16 years of age, consent relating to their data is normally provided by a parent or guardian.

Sensitive information, such as medical information, may be shared with staff where necessary to protect a child's health and safety.

Staff Data

The nursery processes personal information about employees to support recruitment, employment management, payroll, and legal obligations.

Special Category Data

Some information requires additional protection, including data relating to:

- health
- ethnicity
- religion or belief
- disability.

Such information will only be processed where legally permitted or where explicit consent has been given.

Criminal Records Checks

Miss B's Nursery carries out DBS checks as required by law for individuals working with children. The nursery records confirmation of the check but does not retain detailed information on criminal convictions.

5. Lawful Processing of Data

Personal information will only be processed where a lawful basis exists. These include:

- **Consent** – where an individual has given permission.
- **Contract** – where processing is necessary to fulfil a contractual agreement.
- **Legal obligation** – where required by law.
- **Vital interests** – where necessary to protect someone's life or safety.
- **Legitimate interests** – where processing is necessary for legitimate organisational purposes.

5. Organisation, information and documentation

Parent and Child Data

Information provided by parents and carers is necessary to enable the nursery to deliver childcare services and meet safeguarding requirements. Without this information, the nursery may be unable to offer a place.

Employee Data

Information about staff is required to meet contractual and legal obligations related to employment.

Consent Management

Where consent is required, individuals will be given clear choices and the opportunity to withdraw consent.

Examples include:

Photographs

Parents may choose whether images of their child can be taken or used for nursery purposes.

Marketing

Parents may choose whether they wish to receive promotional or informational communications.

Additional consent forms may be used where necessary.

6. Data Security, Storage and Retention

Miss B's Nursery ensures that personal data is kept secure and retained only for appropriate periods.

Paper Records

When not in use, paper records containing personal information are stored securely, typically in locked cabinets or offices.

Staff must ensure that:

- Documents are not left unattended.
- Only authorised staff access records.
- Confidential waste is disposed of securely.

Electronic Records

Electronic records are protected by secure systems, including:

- password protection.
- firewalls and antivirus protection.

5. Organisation, information and documentation

- restricted access permissions.
- secure data storage platforms.

Staff must not download personal information onto personal devices or removable media unless authorised.

Disposal of Information

Documents must be destroyed securely once retention periods have expired. Electronic devices containing data must be wiped before disposal.

7. Data Sharing

Miss B's Nursery may share personal information with external organisations when necessary.

Examples include:

- **West Sussex County Council**
- **Ofsted**
- **NHS services**
- **schools and other educational providers**
- **law enforcement agencies**, where legally required.

Information will only be shared where there is a lawful basis, and appropriate safeguards are in place.

External organisations may be required to sign data confidentiality agreements.

Internal information sharing within the nursery will be limited to staff members who require it for their roles.

8. Social Media

Miss B's Nursery may use social media platforms to share information about nursery activities and events.

Photographs or images of children will be shared only with parental consent.

The nursery cannot take responsibility for independent social media groups created by parents that are not managed by the nursery.

9. Privacy Notices

The nursery provides privacy notices explaining:

- What information is collected?
- Why is it collected?
- how it is used.
- who it may be shared with.
- how long it is kept.
- the rights of individuals.

Privacy notices are available through the nursery and on request.

Miss B's Nursery applies the principle of **privacy by design**, meaning that data protection considerations are built into systems and processes from the outset.

10. Data Subject Rights

Individuals whose data is held by the nursery have rights under data protection legislation.

Subject Access Requests

Individuals may request access to personal data held about them. The nursery will normally respond within one month.

Right to Erasure

Individuals may request that their personal data be deleted where appropriate, unless the nursery is required to retain it for legal or safeguarding reasons.

Right to Rectification

Individuals may request that inaccurate information be corrected.

Right to Object

Individuals may object to certain types of processing, such as direct marketing.

11. Reporting Data Breaches

Any staff member who becomes aware of a potential data breach must report it immediately to the Data Protection Lead.

Where a breach is likely to affect individuals' rights or freedoms, the nursery will notify the **Information Commissioner's Office within 72 hours** and inform affected individuals where appropriate.

12. Monitoring and Records

Miss B's Nursery maintains systems to monitor compliance with data protection procedures, including:

- a **data audit** outlining information held and its lawful basis.
 - a **data breach log**.
 - a **Subject Access Request log**.
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13. Complaints

Miss B's Nursery takes concerns about data protection seriously. Complaints regarding the handling of personal information will be investigated in accordance with the nursery's complaints procedure.

If a concern cannot be resolved internally, individuals may contact the **Information Commissioner's Office (ICO)**.

14. Training and Awareness

All staff members receive training and guidance to ensure they understand their responsibilities regarding data protection.

Training includes:

- data protection awareness training during staff induction.
- ongoing guidance and updates.
- support from the nursery's Data Protection Lead.

Failure to follow this policy may result in disciplinary action.

5.8.1 Data Protection Principles

Personal data refers to information relating to an identifiable living person.

Miss B's Nursery follows the core data protection principles that personal information must:

1. Be processed lawfully and fairly.
2. Be collected for specific and legitimate purposes.
3. Be relevant and limited to what is necessary.
4. Be accurate and keep up to date.
5. Be retained only for as long as necessary.
6. Be processed in accordance with individuals' rights.
7. Be kept secure and protected from misuse.
8. Not be transferred outside appropriate legal protections without safeguards.

In applying these principles, the nursery will:

- explain why information is collected.
- ensure information is accurate.
- store data securely.
- Destroy information when no longer needed.
- Share information only where necessary.
- respect confidentiality.
- Respond appropriately to Subject Access Requests.

5.8.2 Access to Personal Information

Individuals have the right to request access to personal information held about them.

For children, this right depends on their ability to understand the request. In most cases, a parent or person with parental responsibility may request information on behalf of the child.

Miss B's Nursery will respond to requests in accordance with data protection legislation. However, information may be withheld where disclosure could compromise safeguarding or where exemptions apply under data protection law.