

The statutory framework in England is the Early Years Foundation Stage (EYFS). The latest version of the framework is here:

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

The requirements of the EYFS in relation to data protection state:

‘Providers must be aware of their responsibilities under the Data Protection Legislation and where relevant the Freedom of Information Act 2000.’

Footnotes 67 - 69:

67 Legislation: This includes the Data Protection Act 2018 and General Data Protection Regulation 2018 see:

<https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

68 Access to records: The Data Protection Act 2018 (DPA) gives parents and carers the right to access information about their child that a provider holds. However, the DPA also sets out specific exemptions under which certain personal information may, under specific circumstances, be withheld from release. For example, a relevant professional will need to give careful consideration as to whether the disclosure of certain information about a child could cause harm either to the child or any other individual. It is therefore essential that all providers/staff in early years settings have an understanding of how data protection laws operate. Further guidance can be found on the website of the Information Commissioner’s Office at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

69 Record retention: ‘Individual providers should determine how long to retain records relating to individual children.’



Privacy notice

Written by: *Anouska Meyerseker* Date: *18/2/25*

To comply with the UK-GDPR (United Kingdom General Data Protection Regulation) legislation I am required to share this Privacy Notice with you which will inform you about the information I need to

keep from you, why I need it, how it will be stored and how it will be used. I will also explain how it will be deleted from my files when it is no longer needed. This requirement applies to information I collect in relation to:

- Online data processing
- Paper data processing

ICO – <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>.

I take your privacy seriously and record, process and keep personal information about you and your child/ren in accordance with Article 6 of the General Data Protection Regulation (GDPR, May 2018): 'the rights of the data subjects'. It is a requirement of my registration with the Information Commissioners Office (ICO) to provide you with information about the details I keep about you and your child/ren.

Before I collect data about you and your child/ren I must ensure I have a legal basis for it – there are 6 legal reasons for data collection:

- Consent: you have given me permission to process your data.
- Contractual: I need the information to comply with the statutory framework.
- Legal obligation: I must collect the information to comply with the law.
- Vital interests: the information is necessary to protect someone's life.
- Legitimate interests: I must have good reason to ask you for the information.
- Public task: not usually relevant for early years providers.

Information I need about you and your child/ren

I hold information about you and your child/ren to allow me to comply with the statutory requirements in the Early Years Foundation Stage (EYFS) and the Childcare Register (for children age 5+). Some of the data I process relates to the Ofsted Early Years Inspection handbook. Most of the information I collect about you and your child is statutory.

When information is optional, I will let you know that you have a choice whether to share it with me or not. Please ask me if you would like me to signpost copies of these documents.



To support your child's development and to help me monitor your child's progress, I hold **developmental records** about your child including:

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- Information from you about your child's learning and development in the setting and at home.
- A copy of your child's statutory progress check at 2.
- Observations, assessments and planning related to your child's learning and development.
- Documents relating to special educational needs and / or disabilities (SEND), a care plan or a child safeguarding file, when required.

To help me comply with legislation, I hold **personal records** about your child including:

- Personal details required by the statutory frameworks.
- Information required by the Local Authority for funding purposes (if relevant).
- Contractual details including attendance registers and fees information.
- Emergency details including your contact details and records of your child's health and care needs.
- Safeguarding / child protection records.
- Other records required to support your child such as shared information from other agencies.

Some of the data I ask from you is classed as '**special category data**' and I must ensure I keep it securely. This data includes, for example:

- Your child's health visitor, doctor and dentist details.
- Information about your child's allergies and immunisations.
- Your child's religion and your wishes about their care.
- Whether your child has any special educational needs and / or disabilities.
- Local authority information for funding purposes.

What I do with your data and with whom it is shared

I am required to ensure the information I collect about you and your child/ren is treated confidentially and only shared when there is a need, ideally with your permission in advance of sharing, for example –

- I share information with other settings or agencies involved in your child's care – I am required to do this by the EYFS (see Permission Form).
- I am required to write a Progress Check at 2 for your child when they are between the ages of 2 and 3 years. If I am concerned about your child's progress and need to share it with the health visitor, I will ask



- for your permission first (see the EYFS for more information).
- I am required to share information with my Local Authority for the purposes of the 2-, 3- and 4-year-old funding offer and any extra funding I might claim for your child (see the Local Authority Privacy Notice for more details).
 - I share information about income and expenses including, when requested, your invoices and payments with HMRC and Tax Credits.

Ensuring your data is accurate

To comply with data protection requirements, I keep data about you and your child/ren up-to-date and to ensure it is accurate: I will ask you to help me do this regularly. You have the right to access personal data about you and your child/ren and I will share this information with you on request.

Retention periods – how long I keep your data

Safeguarding documents – to comply with the Limitation Act 1980, I keep records of serious accidents and injuries including death using the legal basis of 'legal obligation' until your child is 21 years and 3 months old for insurance purposes.

I keep further data related to safeguarding requirements of the EYFS for a 'reasonable period of time'. The Information Commissioners' Office (ICO) advice is that this should be retained for Ofsted purposes for 3 years. For the Childcare Register, I keep required information for 2 years.

Information is kept in paper format and after the required retention period the documents will be shredded.

Learning and development documents – to comply with the EYFS, I keep documents relating to your child's learning including, for example, photos of your child's progress, activities and experiences. I use the legal basis of 'legal obligation' when recording your child's learning, development and progress and 'legitimate interest' when taking photos of your child because I believe it is reasonable for me to process this data to provide you with a good quality service.

I keep the information securely, remove photos when they have been shared with you and will pass other written information over to you when your child leaves the setting or starts school, whichever comes first.

Financial record keeping – I keep documentation including your name and payment record for HMRC using the legal basis of 'legal

obligation'. I am required to retain this information by HMRC for 6 years, after which time it will be deleted.

Local Authority funding - I keep documentation including your name, address, national insurance number and tracking data for Local Authority Funding forms using the legal basis of 'contractual necessity'. This data is held in my HMRC files and I am required to retain these forms by the Local Authority and for HMRC purposes for 6 years, after which time they are shredded.

Your personal data – I have been advised by the ICO that it is reasonable to keep a record of your mobile phone number on my mobile phone and your email address on my computer for up to 1 financial year after your child leaves the setting, so I can contact you if necessary. The data will be deleted after this period.

Setting closure – if I close the setting or on my retirement, I will keep documentation for as long as legally required by the purpose for which it was collected. There is no absolute duty to encrypt data stored online but I will keep it as securely as possible during the retention period (see Article 32 of GDPR for more information).

Right to erasure

You have the right to ask for information held about you and your child to be withdrawn. This is called the 'right to erasure' in GDPR. However, if I need to keep information because it is legally required then exceptions to the 'right to erasure' apply. I will make a decision about each erasure request individually – please speak to me for more information.

Note that if you involve ICO in a challenge against my right to retain information vs your right to erasure, I will need to justify my retention decision to ICO and show that I have a good reason for keeping the data. For this reason, I will only retain information as required by the statutory frameworks, requested by Ofsted and / or required by HMRC or the Local Authority and other agencies and / or professionals who control my work – for example, the police or social services for safeguarding purposes.

How I delete your data

- Online deletion - files on the computer are deleted when no longer required.

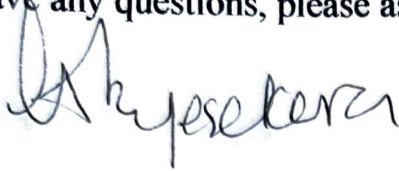
- Paper deletion - files held in paper format, including photos of children, are either handed to parents when the child leaves or goes to school or shredded when no longer required.

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How you can make a complaint

Please see my Complaints Policy for details of how you can make a complaint to Ofsted or ICO.

If you have any questions, please ask. Thank you.

Signed:



Review date: 18/2/26



Policy updates

Updated 08.2021: wording reviewed and adapted where relevant to comply with the changes to the Early Years Foundation Stage (EYFS).

Updated 08.2023 – general wording check to ensure policy is current and valid.

Updated 01.2025 - general wording check to ensure policy is current and valid.

Added retention information to the Privacy Notice and archived retention policy.

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