

The EYFS is the statutory framework in England. The latest version is here:

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

The requirements of the EYFS in relation to confidentiality state:

- Records must be easily accessible and available (these may be kept securely off the premises).
- Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them (36).
- Childminders must be aware of their responsibilities under the Data Protection Legislation (37) and, where relevant, the Freedom of Information Act 2000.
- Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act (38).
- Records relating to individual children must be retained for a reasonable period of time after they have left the provision (39).

Relevant footnotes

36 The National Cyber Security Centre (NCSC) has published helpful guidance on cyber security:

<https://www.ncsc.gov.uk/guidance/early-years-practitioners-using-cyber-security-to-protect-your-settings>

37 This includes the Data Protection Act 2018 and General Data Protection Regulation 2018 see: <https://www.gov.uk/data-protection>

38 The Data Protection Act 2018 (DPA) gives parents and carers the right to access information about their child that a childminder 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 practitioners 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/>

39 Individual childminders should determine how long to retain records relating to individual children.

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The Childcare Register

The register for children over the age of 5 years is the Childcare Register. There are 2 parts – the compulsory register and the voluntary register. The Childcare Register is here:

<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-requirements>

The Childcare Register does not contain any requirements directly in relation to confidentiality, but all providers must be registered with and comply with the Information Commissioners Office requirements.

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Confidentiality policy

Written by: Anuska Abeyesekera **Date:** 15/2/25

The statutory framework for children under the age of 5 years in England is the Early Years Foundation Stage (EYFS). I must also comply with the Childcare Register requirements for children over the age of 5.

Parent and child confidentiality are respected as much as reasonably practicable and I ask that parents and children respect mine and my family's confidentiality. Parents can speak to me confidentially at any mutually convenient time on request.

Records are stored securely for the required period of time required by the relevant statutory framework and as recommended by the Information Commissioners Office (ICO) and then deleted or shredded. I am registered with the Information Commissioner's Office (ICO) and their advice is followed to ensure I comply with the latest information on data protection legislation including the General Data Protection Regulation (GDPR, 2018) and further UK data protection legislation.

I aim to promote confidentiality and privacy by, for example –

- Sharing this policy with parents.
- Reminding parents about the importance of not sharing personal or family information verbally or online.
- Keeping information safe on the computer and mobile phone – see Mobile Phone and Camera Policy.
- Advising parents that in some situations, to comply with the EYFS, I am required to share information with and work with other settings or agencies such as staff in the setting, nurseries or pre-schools to support their child's learning and / or development – see Parent Permission Form.
- Advising parents that, at times, it is impossible for me to maintain absolute confidentiality – for example, if a child has an allergy and we are at playgroup or if a child has an infectious disease and the Health Protection Officer advises me to inform other parents.
- Advising parents about any relevant organisations that have requested a disclosure of personal information and records unless expressly requested not to do so by the said agency in writing; or if I have been asked for information in connection with court proceedings.

Note that I am required to share information about a child's allergies and / or intolerances and weaning with assistants in the setting, to ensure they are safe during mealtimes.

The 6 Principles of the General Data Protection Regulation (GDPR, 2018) state that information must be treated with fairness, lawfulness and transparency; purpose limitation; data minimisation; data quality.; security, integrity and confidentiality – see the Privacy Notice.

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There is some information which might need to be shared with a child's next setting – for example, information relating to safeguarding or if a child has special educational needs and / or disabilities (SEND) and there are records linking them to other settings or agencies. The Local Authority Safeguarding Partners will give advice to ensure a safe transition of documentation. According to data protection legislation, once information has been passed over to the other agency or professional, the protection of the data is no longer my responsibility and I am no longer accountable for what happens to it. I will retain a transfer record for a 'reasonable period of time' to comply with the EYFS.

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

Signed:

Review date:

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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.

Updated sharing information about allergies to reflect changes to the EYFS for 1st September 2025.

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