

## Privacy Notice & Data Protection

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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 Privacy Notice explains the 'lawful basis' for holding information about your child, you/your child's rights as a 'data subject', how long we will keep the various types of records (educational, safeguarding and welfare, financial, records for Ofsted, government funding) after your child leaves the setting. In accordance with the GDPR, we will not keep information about your child any longer than is necessary.

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 statement

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We 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 the registration with the Information Commissioners Office (ICO) to provide you with information about the details we keep about you and your child/ren.

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

## Privacy notice

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Post Brexit from January 31st, 2020, to comply with the UK-GDPR (United Kingdom General Data Protection Regulation) legislation we are required to share this Privacy Notice with you which will inform you about the information we need to keep from you, why we need it, how it will be stored and how it will be used. It will also explain how it will be deleted from the setting's files when it is no longer needed. This requirement applies to information we collect in relation to:

- Online data processing
- Paper data processing

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

- Consent: you have given me permission to process your data.
- Contractual: we need the information to comply with the statutory framework.
- Legal obligation: we must collect the information to comply with the law.
- Vital interests: the information is necessary to protect someone's life.
- Legitimate interests: we 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

We hold information about you and your child/ren to allow us 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 processed relates to the Ofsted Early Years Inspection handbook. Most of the information collected about you and your child is statutory; when information is optional, we will let you know that you have a choice whether to share it with me or not. Please ask if you would like to be signposted copies of these documents.

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

- 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 us comply with legislation, we 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 setting details including any records required to support your child such as shared information from other agencies and professionals.

Some of the data you are asked for is classed as '**special category data**' and we must ensure it is kept 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 we do with your data and with whom it is shared**

We are required to ensure the information collected about you and your child/ren is treated confidentially and only shared when there is a need for it to be shared, ideally with your permission in advance of sharing, for example:

- We share information with other settings or agencies involved in your child's care – we are required to do this by the EYFS with your permission.
- We are required to write a Progress Check at 2 for your child when they are between the ages of 2 and 3 years. If we are concerned about your child's progress and need to share it with the health visitor, we will ask for your permission first (see the EYFS for more information).
- We are required to share information with our Local Authority for the purposes of the 2-, 3- and 4-year-old funding offer and any extra funding that might claim for your child (see the Local Authority Privacy Notice for more details).
- We share information about income and expenses including, when requested, your invoices and payments with HMRC and Tax Credits.

- On occasion, we may need to share information regarding you and your child with Governing bodies, such as OFSTED.

### **Ensuring your data is accurate**

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

### **Retention periods – how long we keep your data**

We are required to inform you how long we retain information about you and your child/ren. You will find this information in the Retention Policy, which is available for you to look at on our website [www.darlingdaisies.co.uk](http://www.darlingdaisies.co.uk).

### **How we 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 and/or shredded when no longer required.

### **How you can make a complaint**

Please see my Complaints Policy for details of how you can make a complaint to Ofsted or ICO. You will find the Complaints Policy in the Parent area on our website at [www.darlingdaisies.co.uk](http://www.darlingdaisies.co.uk).

## **Data Protection General Information**

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This Data Protection Policy is in accordance with the Requirements and the underpinning, good- practice principles of the Early Years Foundation Stage 2017 (see 3.61, 3.69, 3. 70).

Our Data Protection Policy complies with the General Data Protection Regulation 2018.

All assistants, co-childminders or students working with the childminder must abide by this policy.

### **Maintaining confidentiality and sharing information**

We will keep confidential any information about minded children and their family members, which has been shared with any member of staff working with or for Darling Daisies Childcare. The duty to maintain confidentiality comes

from the common law duty of confidence and the Human Rights Act 1998. We will not discuss your information (parent/carer or family) or your child's information with anyone, unless it is with your prior, written consent and/or for the purpose of supporting your child's safety, well-being and development.

We would liaise with you if ever there was a safeguarding matter, although we may be duty-bound to share information with emergency services, safeguarding teams or the local authority without your consent if there is a potential risk to the child. In certain circumstances. Working Together to Safeguard Children 2018, states that the common law duty of confidence and GDPR must **not** be a barrier to information sharing when there are potential safeguarding concerns.

If a relative is having a conversation about a private matter, we will endeavour to be respectful of you or your child's confidentiality and have the conversation out of the earshot of other children or parents. If this is not possible we may make an arrangement to have a conversation at another time, when children are not present.

In order to maintain a respectful, trustworthy environment we would be grateful if you would in turn respect the confidentiality of my family and the other families who use this childminding setting.

### **Compliance with the GDPR**

We will comply with the seven principles of the GDPR which state that the data processing must be lawful and transparent; only used for the purpose for which it was originally requested (unless with further consent); limited to what is necessary, accurate and kept up to date; retained or deleted appropriately; processed with integrity and responsibly to avoid loss or damage; and as the data controller I am accountable and must demonstrate GDPR compliance.

In keeping with the principle of parent-partnership which is embedded in the EYFS, we will liaise with you and keep you updated about your child's well-being and progress. Under the GDPR you have certain rights to your own information, which is detailed for you in the Privacy Notice above.

There is 'special category data' (particularly sensitive information) which includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, physical or mental health condition or sexual life, or any offence committed or alleged to have been committed. If we record any 'special category data', we will indicate the 'lawful basis' for processing and additionally one of seven 'special conditions' (lawful reasons), one of which is 'explicit consent'.

As a data controller, we are registered (Data Protection Fee) with the Information Commissioner's Office (ICO). This registration is renewed annually. We will maintain clearly written records, signed by parents and stored securely to comply with Information Commissioner Office guidance. When looking at or signing records/consents, will ensure that a child's records are not visible to another parent. Children's records are accessed only by the childminder and any

member of staff working with or for the childminder if necessary. Paper documents will be shredded and information on digital storage devices will be deleted when it is no longer required. Electronic devices which are used for work are PIN/password protected.

### **Data breach**

We must report any data breach to the ICO if, for example, personal data was lost, destroyed, shared inappropriately, or if someone accessed information without permission. Parents have the right to complain to the ICO.

If a data breach occurred we would inform you and address it promptly. We would try to contain the data breach and take steps to establish the severity (the negative affect on your child or family) and inform the ICO, if required. If we decided not to report the breach, we would justify this decision in the recording of the incident, and consider how this might ensure that the data breach would not occur again. The data breach must be investigated internally within 72 hours and failure to notify a breach may result in a fine.

**ICO Helpline 0303 123 1113** for advice.

### **Children's rights**

Children have the same rights as adults over their personal data. As a data controller, we must obtain the consent of a parent or guardian when processing the personal data of a child under 16. When seeking consent, we must make reasonable efforts to verify that the person giving consent does, in fact, hold parental responsibility. As a point of information, in the U.K., only children aged at least 13 or over are able provide their own consent **online** for Information Society Services (ISS), such as consent to use gaming apps.

There is some information which we must hold by law in order to care for a child, such as a child's date of birth and parents' contact details. We are also legally obliged to keep records of attendance, accidents and incidents, and any complaints. There is also a statutory requirement to keep some record of your child's learning progress. There is other information which we may ask for, which is based on consent and this should indicate that it is consent-based, so that you have the option to refuse or withdraw consent, for example you may not wish for photographs of your child to be taken.

### **Photographs**

As part of the registration process, parents sign their contract and give permission for photographs/ videos to be taken of their child. This may be for the purpose of only the parent, social media, advertising or for our website. For photographs taken that are not intended for the parents, every effort will be taken to try to disguise the child's identity (using blurring/ icons and or/ back of their heads etc). For photographs sent to the child's parent, these will be sent securely via WhatsApp Business, and then deleted from the childminding phone, unless they are kept for the child's progress records.

Signed:

A handwritten signature in black ink, consisting of several loops and a final flourish.

Review date: **April 2027**

Policy updates

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