

Oyster Bay Nursery

Data Protection and Privacy Policy

Date written: October 2026

Date of last update: October 2026

Date agreed and ratified by October 2026

Date of next full review: September 2027

This policy will be reviewed at least annually and/or following any lessons learnt and/or updates to national or local guidance and procedures.

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Deputy Designated Safeguarding Lead(s)	Grace Sidders Rachel Finch
Nominated Individual	Debra Hines
Nursery Manager	Grace Sidders

1. Policy Statement
Oyster Bay Nursery is committed to protecting the privacy, confidentiality and security of all personal information relating to children, parents, carers, staff and other individuals connected with the setting.

We process personal information in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, the applicable Early Years Foundation Stage (EYFS) statutory framework and other relevant legislation.

We collect and use personal information only where it is necessary for the purposes explained in this policy, including providing childcare, supporting children's learning and development, safeguarding children and meeting our legal and contractual responsibilities.

This policy explains what information we collect, why we collect it, how we use and store it, who we may share it with and the rights individuals have in relation to their personal information.

2. Information We Collect
The categories of personal information that we may collect, hold and share include the following.

2.1 Children's information
- Personal information, including name, date of birth, address and relevant contact details.
- Characteristics information, where required, such as ethnicity, language, nationality, country of birth and eligibility for early years funding.
- Attendance information, including sessions attended, absences and reasons for absence where relevant.
- Relevant medical and health information, including allergies, medical conditions, dietary requirements and medication.
- Special educational needs and disabilities (SEND) information.
- Learning, developmental and assessment information.
- Accident, incident, injury and first-aid records, including relevant existing injuries.
- Safeguarding and child protection records, including concerns, referrals, actions taken and relevant communications.
- Registration and emergency contact information.
- Birth certificates and other documents where necessary to verify identity, age or eligibility for funding.
- Funding applications, eligibility information and related records.
- Photographs, videos and learning journal information, where applicable.

2.2 Parents' and carers' information
- Names, addresses, telephone numbers and email addresses.
- Information about parental responsibility and relevant collection arrangements.
- Emergency contact and authorised collection details.
- Information needed to administer nursery fees, payments and refunds.
- Bank details where required for payment collection, refunds or other legitimate financial administration.
- Proof of identity where reasonably necessary for verification or safeguarding purposes.
- Information relevant to the care, safety and wellbeing of a child, where necessary and lawful.

We will only collect information that is adequate, relevant and necessary for the purpose for which it is required.

We will explain when information is required and, where applicable, when providing it is optional.

3. Why We Collect and Use This Information

We use personal information for the following purposes:

- To provide childcare and fulfil our contractual arrangements with parents and carers.
- To support children's learning, development and individual needs.
- To monitor and record children's progress.
- To provide appropriate care and support.
- To protect children's health, safety and wellbeing.
- To maintain appropriate medical, medication, accident and incident records.
- To identify, record and respond to safeguarding concerns.
- To meet the requirements of the EYFS statutory framework and applicable Ofsted requirements.
- To comply with legal and regulatory obligations.
- To establish and verify eligibility for early years funding.
- To administer nursery fees, payments and financial records.
- To assess and improve the quality of our provision.
- To communicate with parents and carers about their children and nursery matters.
- To facilitate transitions to school or another childcare setting.
- To work with local authorities, health professionals and other relevant agencies where necessary.
- To recruit, employ and manage staff, where relevant to the information concerned.

We will not use personal information for unrelated purposes unless the further use is lawful and, where required, we have informed the individuals concerned.

4. Lawful Basis for Processing Personal Information

Under the UK GDPR, we must have a lawful basis for processing personal information. Depending on the circumstances and purpose, Oyster Bay Nursery may rely on the following lawful bases:

Contract: Where processing is necessary to enter into or fulfil our childcare agreement with parents or carers.

Legal obligation: Where we must process information to comply with applicable legislation or regulatory requirements.

Vital interests: Where processing is necessary to protect someone's life or other vital interests in circumstances covered by data protection law.

Legitimate interests: Where processing is necessary for our legitimate interests, or those of a third party, provided those interests are not overridden by the individual's rights and freedoms. We will only rely on this basis where appropriate.

Consent: Where an individual has freely given informed consent to a specific use of their information and consent is the appropriate lawful basis.

We will determine and document the appropriate lawful basis for each relevant processing activity. Signing a nursery registration form does not, by itself, constitute consent for every use of personal information.

5. Special Category and Sensitive Information

Some personal information is particularly sensitive and is subject to additional legal protections. This is known as special category personal data and includes information about:

- Racial or ethnic origin.
- Religious or philosophical beliefs.
- Health and medical conditions.

- Genetic or biometric data, where covered by the legislation.
- Political opinions.
- Trade union membership.
- Sex life or sexual orientation.

Where we process special category information, such as a child's medical information or SEND information, we must identify both an appropriate UK GDPR lawful basis and an applicable additional condition under Article 9 of the UK GDPR.

Depending on the circumstances, this may include processing necessary for health or social care, meeting legal obligations in the field of employment or social protection, obtaining explicit consent where appropriate, or protecting vital interests where the legal conditions are met.

Information relating to criminal offences and safeguarding matters may also be subject to additional legal requirements.
We will restrict access to sensitive information to authorised individuals who need it for their role and will handle it confidentially and securely.

6. Collecting Children's Information
We collect and use children's information to provide safe, appropriate and legally compliant childcare.

The information supplied during registration is used to establish the information needed to care for each child, communicate with parents and carers, administer the childcare arrangement and meet our legal responsibilities.

Some information must be provided for us to deliver the service safely or meet legal requirements. Other information may be optional.

Where information is optional, we will explain this at the point of collection. Where consent is the lawful basis for a particular activity, such as certain uses of photographs, parents or carers will be informed of the purpose and may withdraw consent by contacting oysterbaynursery@joylane.kent.sch.uk

Withdrawing consent will not affect the lawfulness of processing carried out before withdrawal. We will stop the relevant processing where required, subject to any other lawful basis or legal obligation that applies.

We will treat children's information with particular care and take account of their safety, privacy and best interests.

7. Sharing Personal Information

We may share children's or parents' and carers' information with relevant organisations where necessary, lawful and proportionate.

Depending on the circumstances, recipients may include:

- The Department for Education (DfE), where applicable.
- Ofsted.
- The local authority and relevant early years funding teams.
- Schools or other settings that children attend after leaving the nursery.
- School transition systems or portals used for legitimate transition purposes.
- Health visitors and other relevant health professionals.
- Social workers and children's social care services.
- Local authority inclusion teams, Area SEND Coordinators (Area SENCOs) and SEND panels, where appropriate.
- Relevant safeguarding agencies and the Local Authority Designated Officer (LADO), where applicable.
- Other childcare providers involved in a child's care or transition.
- Multi-agency professionals working with an individual child.
- Payroll, payment processing, IT, childcare management and other service providers where necessary to operate the nursery.

We will only share information that is necessary for the purpose and will take reasonable steps to ensure that recipients handle it securely and lawfully.

Where a third-party provider processes personal information on our behalf, we will put appropriate contractual arrangements and safeguards in place.

Safeguarding and legal disclosures

We will not routinely disclose personal information to unrelated third parties without an appropriate lawful basis.

However, consent is not always required to share information. We may need to share information without consent where the law permits or requires it, including where necessary and proportionate to safeguard a child, respond to an emergency, comply with a legal obligation or assist a lawful investigation.

We will consider the circumstances, the information involved, the potential risks and the applicable legal requirements when making information-sharing decisions. We will document decisions where appropriate.

Changes to the nursery's business

If the nursery undergoes a sale, merger, restructuring or transfer of its business or assets, personal information may need to be disclosed to relevant parties where lawful and necessary.

Any such disclosure will be subject to appropriate confidentiality, security and data protection safeguards. Information will not automatically be transferred for unrestricted use.

8. Storage and Retention of Information

We will retain personal information only for as long as necessary for the purposes for which it was collected, including meeting applicable legal, accounting, regulatory, safeguarding and reporting requirements.

Our current intended retention arrangements are:

- **Children's registration, accident, medication and related records:** retained for 7 years subject to confirmation against the applicable retention requirements for each record type.
- **Learning and assessment records:** retained electronically for up to three months after the child leaves the setting. During this period, parents may download any records they may wish to keep.
- **Financial, funding, staff and other records:** retained for the relevant period required by law or specified in the nursery's approved retention schedule.
- **Safeguarding and child protection records:** retained in accordance with the applicable safeguarding guidance, legal requirements and the nursery's record retention schedule.

These periods must be applied to the relevant categories of information and reviewed to ensure they are appropriate. Where a longer retention period is legally required or necessary for a legitimate safeguarding or legal purpose, records may be retained for longer where lawful.

When information is no longer required, we will securely delete, destroy or anonymise it as appropriate.

9. Keeping Information Secure

We take appropriate technical and organisational measures to protect personal information against unauthorised access, accidental loss, alteration, disclosure or destruction.

Our measures may include:

- Restricting access to personal information to authorised staff.
- Keeping paper records in secure storage.
- Using password protection and appropriate access controls for electronic systems.
- Using approved systems for storing and sharing confidential information.
- Ensuring staff understand their confidentiality and data protection responsibilities.
- Taking reasonable steps to verify the identity and authority of individuals requesting information.
- Using appropriate safeguards when sharing information with external providers.
- Disposing of confidential records securely.

Staff must not disclose confidential information to unauthorised individuals or use personal information for purposes unrelated to their duties.

10. Photographs, Videos and Learning Records

Oyster Bay Nursery may use photographs, videos and digital learning records to document children's activities, learning and development, and to communicate with parents and carers.

Where photographs or videos are used for purposes such as publicity, marketing, social media or other optional activities, we will explain the intended use and obtain consent where consent is the appropriate lawful basis.

We will make clear which uses are covered by any permission obtained and will respect applicable choices and withdrawals.

Images and learning records will be stored using appropriate systems and shared only with authorised people for legitimate purposes. Staff must follow nursery procedures concerning photography, recording, storage and the use of personal devices.

11. Requests for Access to Personal Information

Individuals have rights under data protection law to request access to personal information held about them.

Parents and carers may make a request concerning their own information or information relating to their child. A request relating to a child will be considered in light of the child's rights, understanding, best interests, the requester's legal authority and any relevant safeguarding or confidentiality concerns.

A parent or carer does not automatically have an unrestricted right to access all information relating to their child in every circumstance.

Requests may be made by contacting the nursery's designated privacy contact using the details at the end of this policy.

We will respond without undue delay and normally within one month, subject to the applicable legal rules. Where permitted, the time limit may be extended for complex or numerous requests, and the requester will be informed accordingly.

We may need to verify identity or authority before disclosing personal information. Any restriction or refusal will be considered in accordance with the law.

12. Other Data Protection Rights

Depending on the circumstances and the lawful basis for processing, individuals may have the right to:

- Request access to their personal information.
- Request correction of inaccurate or incomplete information.
- Request erasure of personal information in certain circumstances.
- Request restriction of processing in certain circumstances.
- Object to processing carried out on certain lawful bases.
- Withdraw consent where consent is the lawful basis.
- Request data portability where the legal conditions are met.
- Challenge certain decisions made solely by automated means where the relevant legal conditions apply.
- Complain to the Information Commissioner's Office (ICO).

These rights are subject to legal conditions and exceptions. For example, information may need to be retained to meet legal obligations or protect a child, and an objection or erasure request will not necessarily require all processing to stop.

We will consider each request individually and explain the outcome in accordance with applicable data protection law.

13. Personal Data Breaches

A personal data breach may occur when personal information is lost, accessed, disclosed, altered or destroyed without authorisation or otherwise handled in a way that compromises its security.

All staff must report any suspected or actual data breach promptly to the Nursery Manager or designated privacy contact.

The nursery will investigate the incident, take reasonable steps to contain it, assess the risks to affected individuals and record the incident and decisions taken.

Where required by law, the nursery will notify the ICO within the applicable time limit, normally within 72 hours of becoming aware of a notifiable breach. Where a breach is likely to result in a high risk to individuals' rights and freedoms, affected individuals will also be informed where legally required.

Staff must cooperate with the investigation and follow any instructions intended to reduce harm and prevent recurrence.

14. Concerns and Complaints

If you have concerns about how your or your child's personal information is collected, used, stored or shared, please contact the nursery in the first instance.
We will consider your concern and respond appropriately.
You also have the right to raise a concern directly with the Information Commissioner's Office:
Website: https://ico.org.uk/concerns/

15. Contact Details

For questions about this policy, requests to exercise data protection rights or to withdraw consent where applicable, please contact:
Oyster Bay Nursery
Data Protection Officer: Jean-Manuel Henderson-Varlin
Email: businessmanager@joylane.kent.sch.uk
The nursery will ensure that the published contact details are accurate and that requests are directed to the person responsible for handling them.

16. Policy Review

This policy will be reviewed at least annually and whenever there are significant changes to data protection legislation, EYFS requirements, nursery operations, information systems or data-sharing arrangements.
The Nursery Manager is responsible for ensuring that the policy is communicated to relevant staff and that appropriate procedures and training support its implementation.