

## Privacy Notice (how we use parents/carers and children's information)

**All information that we collect is necessary to meet our contractual and legal requirements as an Early Years Setting, from Ofsted, Local Authorities and the EYFS.**

### The categories of information that we collect, hold and share include:

- Personal information (such as name, date of birth and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and funding eligibility) for children
- Attendance information (such as sessions attended, number of absences and absence reasons) for children
- Relevant Medical information for children
- Special Educational Needs information for children
- Assessment information for children
- Bank details for adults
- Proof of identity for adults
- Birth certificates for funding for children
- Details of any accidents / incidents / existing injuries
- Relevant documentation for child protection and safeguarding concerns
- Funding information and details

### Why we collect and use this information

We use the data:

- to perform the contract that we have entered into with you
- to support children's learning
- to monitor and report on their progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to comply with the requirements of the EYFS and Ofsted
- to ensure children are eligible for funding
- to process nursery fees
- to ensure children's health, safety and wellbeing

### The lawful basis on which we use this information

Under the UK General Data Protection Regulation (UK GDPR), the legal bases we rely on for processing personal information are:

- Where you have given us your consent.
- Where processing is necessary for performance of the contract we have entered into with you.
- Where processing is necessary for compliance with a legal obligation to which we are subject;
- Where processing is necessary to protect the vital interests of an individual (for instance children within our care).
- Where processing is necessary for the purposes of our legitimate interests (or those of a third party) and those interests are not overridden by your or your child's fundamental rights and freedoms.

Some data is known as "special category" data because it is sensitive. This sort of data includes data relating to racial or ethnic origin, political beliefs, genetic or biometric data, data relating to health or medical conditions and data relating to a person's sex life or sexual orientation.

Where the data we collect is special category data (for instance health data) we additionally rely on one of the following legal bases under the UK GDPR:

- Where you have given us explicit consent to process the data.
- Where the processing of data is necessary for the purposes of employment, social security and social protection
- Where the processing of data is necessary for the purposes of health or social care.

- Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public..

## Collecting Children's Information

We collect and use pupil information under the Statutory Framework for the Early Years Foundation Stage (given legal force by the Childcare Act 2006) and other relevant legislation in order to provide our contractual services to you and your child in a safe and legally compliant manner. By completing and signing the nursery registration form you acknowledge that we are required to process yours and your child's personal data for the specific purposes of being part of the nursery setting. The processing of the information you have provided about yourself and your child is necessary for the safe and legal performance of the contract you have completed in the registration form. We have a legal obligation to process the information provided to comply with the law.

Whilst the majority of children's information you provide to us is mandatory, some of it is provided to us on a voluntary basis – for instance where we ask your permission to use your child's image as part of visual displays within the nursery. We will inform you at the point of collection whether you are required to provide certain information to us or if you have a choice in this. Where information has been provided to us on the basis of consent you have the right to withdraw that consent by contacting us at [compoff@mamabear.co.uk](mailto:compoff@mamabear.co.uk).

## Storing children's data

We will only retain your or your child's personal information for as long as necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting or reporting requirements. We hold children's data such as their registration details, accidents and medication forms etc. until each child has reached the age of 21. Learning and assessment for the children is stored for up to three months after the child has left the setting, then removed from electronic storage. Parents are able to download or print this themselves at any point up until this time.

## Who we share children's information with

We routinely share pupil information with:

- Department for Education (DfE)
- Schools that the children attend after leaving us
- School Transition Portals
- Our local authority
- Ofsted
- Health Visitors
- Social Workers
- Inclusion teams, SEN panels, funding etc
- Local Children's safeguarding boards / LADO
- Other providers that children attend
- Multi agency professionals working with individual children
- Area SENCO's

We may also share your and your child's personal data with third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

## Why we share pupil information

We do not share information about children with anyone without consent unless the law allows us to or we are obliged to as part of a lawful process/investigation.

Decisions on whether to release this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of the data requested and the arrangements in place to store and handle the data. To

be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data. For more on information on how this sharing process works, email us at [compoff@mamabear.co.uk](mailto:compoff@mamabear.co.uk).

## Requesting access to your personal data

Under data protection legislation, parents and children have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact our Company Compliance Officer at [compoff@mamabear.co.uk](mailto:compoff@mamabear.co.uk).

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance at [compoff@mamabear.co.uk](mailto:compoff@mamabear.co.uk). Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Contact

If you would like to discuss anything in this privacy notice, please contact our Compliance Officer at: [compoff@mamabear.co.uk](mailto:compoff@mamabear.co.uk)

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