

10.1b Sample Privacy notice

[Name of provider]'s Privacy Notice

[Please adapt to suit your setting, making reference to legitimate interest or lawful basis that you rely upon as appropriate)

[Name, address and contact details of your setting]

[Insert name of data protection officer (if appropriate) here]

Note this is only likely to apply to larger organisations or nursery chains.]

Introduction

[I am/we are] committed to ensuring that any personal data we hold about you and your child is protected in accordance with data protection laws and is used in line with your expectations.

This privacy notice explains what personal data [I/we] collect, why [I/we] collect it, how [I/we] use it and how [I/we] protect it.

What personal data do [I/we] collect?

[I/we] collect personal data about you and your child to provide care and learning that is tailored to meet your child's individual needs. We also collect information in order to verify your eligibility for funded childcare as applicable.

Personal details that we collect about your child include:

- your child's name, date of birth, address, health and medical needs, development needs, and any special educational needs [add further details as necessary]

Where applicable we will obtain child protection plans from social care and health care plans from health professionals.

[I/we] will also ask for information about who has parental responsibility for your child and any court orders pertaining to your child.

Personal details that we collect about you include:

- your name, home and work address, phone numbers, emergency contact details, and family details [add further details as necessary]

This information will be collected from you directly in the registration form.

If you apply for up to 30 hours funded childcare, [I/we] will also collect:

- your national insurance number or unique taxpayer reference (UTR), if you're self-employed. We may also collect information regarding benefits and family credits that you are in receipt of.

Why [I/we] collect this information and the legal basis for handling your data

[I/we] use personal data about you and your child in order to provide childcare services and fulfil the contractual arrangement you have entered into. This includes using your data to:

- contact you in case of an emergency
- to support your child's wellbeing and development
- to manage any special educational, health or medical needs of your child whilst at [my/our] setting
- to carry out regular assessment of your child's progress and to identify any areas of concern
- to maintain contact with you about your child's progress and respond to any questions you may have
- to process your claim for up to 30 hours funded childcare (only where applicable)
- to keep you updated with information about [my/our] service

With your consent, [I/we] will also record your child's activities for their individual learning record. This may include photographs and videos. You will have the opportunity to withdraw your consent at any time, for images taken by confirming so in writing.

[I/we] have a legal obligation to process safeguarding related data about your child should we have concerns about their welfare. [I/We] also have a legal obligation to transfer records and certain information about your child to the school that your child will be attending (see *Transfer of Records* policy).

Who [I/we] share your data with

In order for [me/us] to deliver childcare services [I/we] will also share your data as required with the following categories of recipients:

- Ofsted – during an inspection or following a complaint about [my/our] service
- banking services to process chip and pin and/or direct debit payments (as applicable)
- the Local Authority (where you claim up to 30 hours funded childcare as applicable)
- the government's eligibility checker (as above)
- our insurance underwriter (if applicable)
- our setting software management provider (if applicable)
- the school that your child will be attending

[I/we] will also share your data if:

- [I/we] are legally required to do so, for example, by law, by a court or the Charity Commission;
- to enforce or apply the terms and conditions of your contract with [me/us];
- to protect your child and other children; for example by sharing information with social care or the police;
- it is necessary to protect [my/our/or others] rights, property or safety
- [I/we] transfer the management of the setting, in which case [I/we] may disclose your personal data to the prospective buyer so they may continue the service in the same way.

[I/we] will never share your data with any other organisation to use for their own purposes

How do [I/we] protect your data?

[I/we] protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused, or disclosed by:

[Insert details here, including where data is stored]

How long do [I/we] retain your data?

[I/we] retain your child's personal data for up to 3 years after your child no longer uses [my/our] setting, or until [my/our] next Ofsted inspection after your child leaves [my/our] setting. Medication records and accident records are kept for longer according to legal requirements. Your child's learning and development records are maintained by [me/us] and handed to you when your child leaves.

In some instances (child protection, or other support service referrals) we are obliged to keep your data for longer if it is necessary to comply with legal requirements (see our Children's and Provider Records policies).

Automated decision-making

[I/we do not make any decisions about your child based solely on automated decision-making. Or explain details if this is the case.]

Your rights with respect to your data

You have the right to:

- request access, amend or correct your/your child's personal data
- request that we delete or stop processing your/your child's personal data, for example where the data is no longer necessary for the purposes of processing; and
- request that we transfer your, and your child's personal data to another person

If you wish to exercise any of these rights at any time or if you have any questions, comments or concerns about this privacy notice, or how [I/we] handle your data please contact [me/us]. If you have continued to have concerns about the way your data is handled and remain dissatisfied after raising your concern with [me/us], you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or ico.org.uk/

Changes to this notice

[I/we] keep this notice under regular review. You will be notified of any changes where appropriate.