

Data Protection and Confidentiality Policy

At The Orchard Day Nursery Kingston we recognise that families place significant trust in us by sharing personal and sensitive information about themselves and their children. We are committed to treating all information with the highest level of confidentiality, professionalism and respect, while ensuring that information is shared appropriately where this is necessary to safeguard children or comply with our legal responsibilities.

Protecting personal information is an essential part of safeguarding children and maintaining positive relationships with families. We ensure that all records are managed securely, lawfully and fairly, in accordance with current legislation and guidance. At the same time, we recognise that confidentiality is never absolute and will never prevent us from sharing information where doing so is necessary to protect a child or another person from harm.

This policy should be read alongside our Privacy Notice, Safeguarding and Child Protection Policy, Record Keeping Policy, Online Safety Policy, Photography and Filming Policy, Whistleblowing Policy, Acceptable Use of Technology Policy and Staff Code of Conduct.

Legislative Framework

This policy is informed by:

- The Statutory Framework for the Early Years Foundation Stage (EYFS) (2025)
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Working Together to Safeguard Children (2023)
- Information Sharing: Advice for Practitioners (2024)
- Human Rights Act 1998
- Freedom of Information Act 2000 (where applicable)
- Children Act 1989 and 2004

We comply with all legal requirements regarding the collection, storage, processing, retention and sharing of personal information.

Confidentiality

We recognise that confidential information includes any information relating to children, parents, carers, staff, volunteers, students or visitors that is not already publicly available.

This may include:

- personal details
- medical information
- safeguarding records
- Special Educational Needs and Disabilities (SEND) information
- financial information
- family circumstances
- employment records
- professional discussions
- accident and incident records.

All confidential information is handled sensitively and only shared with those who have a legitimate professional need to know.

Confidential conversations will always take place in private and never where they may be overheard by children, parents or visitors.

Storage of Information

The nursery maintains secure systems for storing both paper and electronic records.

Paper records are stored in locked cabinets within secure areas of the nursery. Electronic records are stored on password-protected devices and secure management systems with appropriate security measures in place.

The office door is locked when no one is occupying it.

Only authorised members of staff have access to confidential records appropriate to their role.

Passwords are unique to each staff member, are not shared and are changed regularly in accordance with our ICT procedures.

Where electronic systems are used, they are selected to ensure compliance with UK GDPR and provide secure storage of children's information.

Records are retained only for the period required by legislation and our record retention schedule before being confidentially destroyed.

Staff Responsibilities

All staff, students, volunteers and agency staff receive training during induction regarding confidentiality, professional conduct, safeguarding and data protection.

They understand that information learned through their work must never be discussed:

- outside the nursery
- with family members or friends
- on social media
- in public places
- with colleagues who do not require the information to carry out their role.

Staff understand that children and families have a right to privacy and dignity.

Any breach of confidentiality will be treated seriously and may result in disciplinary action, referral to professional bodies or dismissal where appropriate.

Sharing Information

We recognise that effective information sharing is essential to keeping children safe.

Where there are concerns about a child's welfare or there is reason to believe a child may be suffering or likely to suffer significant harm, information will be shared promptly with the Designated Safeguarding Lead and, where appropriate, Children's Social Care, the Multi-Agency Safeguarding Hub (MASH)/Single Point of Access (SPA), the police or other safeguarding partners.

Consent will usually be sought before sharing information with other professionals. However, consent is not required where seeking consent could place a child at greater risk, delay necessary action or prejudice a criminal investigation.

Staff understand that UK GDPR and the Data Protection Act 2018 do not prevent appropriate information sharing for safeguarding purposes.

Our first priority will always be the safety and welfare of the child.

Information Sharing with Parents

We believe in working openly and honestly with parents and carers.

Parents have the right to access records relating to their own child, subject to legal exemptions and safeguarding considerations.

Parents do not have access to information relating to other children, families or members of staff.

Where records contain information about more than one child, the nursery will carefully consider what information can legally be shared while protecting the rights of others.

Where requests are received to amend inaccurate information, corrections will be made where appropriate in accordance with UK GDPR.

Children's Records

Children's records are maintained accurately, securely and in accordance with the EYFS.

These records may include:

- registration information
- attendance records
- emergency contacts
- accident and incident records
- medication records
- dietary information
- allergy management plans
- safeguarding records
- learning and development records
- SEND documentation
- professional reports.

Information is only collected where necessary to meet the child's welfare, educational or legal requirements.

Safeguarding Records

Safeguarding information is treated with the highest level of confidentiality.

Child protection records are stored separately from general nursery records in secure, restricted-access files.

Access is limited to the Designated Safeguarding Lead, Deputy DSL and those who require access to fulfil their safeguarding responsibilities.

Where children transfer to another setting or school, safeguarding records will be transferred securely and confidentially in accordance with statutory safeguarding guidance.

Professional Discussions

Staff meetings, supervision sessions and safeguarding discussions frequently involve confidential information.

All staff are expected to maintain confidentiality following these discussions and understand that information should never be repeated outside appropriate professional contexts. Supervision records are confidential personnel documents and will only be shared where there is a legitimate professional reason.

Photography, CCTV and Electronic Information

All photographs, videos and electronic records are managed in accordance with our Photography and Filming Policy and Privacy Notice.

Images are only taken using authorised nursery devices and with appropriate parental permissions.

Personal mobile phones, smart watches and personal recording devices must never be used to record children.

Electronic information is transmitted securely and only where necessary.

Data Protection Principles

In accordance with UK GDPR, we ensure that personal information is:

- processed lawfully, fairly and transparently
- collected for specified, legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- retained only for as long as necessary
- stored securely to protect against unauthorised access, accidental loss or misuse.

We regularly review our information management procedures to ensure ongoing compliance.

Individual Rights

Individuals whose information we hold have rights under UK GDPR, including the right to:

- be informed about how their information is used
- request access to their personal information
- request correction of inaccurate information
- request deletion where legally appropriate
- request restriction of processing in certain circumstances
- object to certain processing activities
- lodge a complaint with the Information Commissioner's Office (ICO).

Requests will be managed within the statutory timescales.

Staff Records

Personnel records are maintained securely and confidentially.

These include information relating to:

- recruitment
- identity checks
- Disclosure and Barring Service (DBS) checks
- qualifications
- training
- supervision
- disciplinary matters
- payroll
- absence
- occupational health where applicable.

Staff may request access to their own personnel records in accordance with UK GDPR.

Monitoring and Review

The Nursery Manager and Data Protection Lead (where appointed) are responsible for ensuring this policy is implemented consistently and reviewed annually, or sooner if legislation, statutory guidance or operational practice changes.

All staff are expected to uphold the principles of confidentiality and data protection at all times, recognising that maintaining confidentiality and sharing information appropriately are both essential elements of safeguarding children and promoting their welfare.

This policy was adopted on	Signed on behalf of the nursery	Date for review
06/08/2026	F.Joyce	December 2026