

General Data Protection Regulation (GDPR) Privacy Notice

What is the purpose of this document?

The Orchard Day Nursery Kingston is committed to protecting the privacy and we take the privacy and security of personal information seriously.

This Privacy Notice explains how we collect, use, store, protect and share personal information relating to:

- children who attend or are registered with the nursery;
- parents and carers;
- prospective children and families;
- employees and workers;
- students, volunteers and apprentices;
- visitors and contractors; and
- other individuals whose personal information we may process as part of operating the nursery.

This notice explains why we process personal information, the legal bases we rely upon, who we may share information with, how long we keep information, and the rights individuals have in relation to their personal information.

We aim to provide privacy information that is clear, accessible and appropriate to the people whose information we process. The UK GDPR requires organisations to provide clear information about how personal data is collected and used.

This Privacy Notice does not form part of an employment contract or a contract for the provision of nursery services.

We may update this Privacy Notice when our processing arrangements, legal requirements or relevant guidance change. Where changes are significant, we will communicate them appropriately.

Data Protection Legislation

The nursery complies with applicable UK data protection and privacy legislation, including:

- the **UK General Data Protection Regulation (UK GDPR)**;
- the **Data Protection Act 2018**;
- the **Data (Use and Access) Act 2025**, where applicable;
- the Privacy and Electronic Communications Regulations (PECR), where applicable; and
- other relevant legislation and regulatory requirements concerning confidentiality, safeguarding, employment and the protection of children.

The nursery will keep its data-protection arrangements under review as legislation and regulatory guidance develops.

The Data (Use and Access) Act 2025 has introduced changes to UK data-protection law, with the majority of its relevant data-protection and privacy provisions coming into force during 2025 and 2026.

The Nursery as Data Controller

The Orchard Day Nursery Kingston is the data controller for the personal information it processes.

This means that we are responsible for deciding why and how personal information is processed and for ensuring that it is handled in accordance with data-protection law.

Where another organisation processes personal information on our behalf, that organisation will normally act as a data processor and will be required to comply with appropriate contractual and data-protection requirements.

What is Personal Data?

Personal data is information relating to an identified or identifiable individual.

This may include information such as:

- names;
- addresses;
- telephone numbers;
- email addresses;
- dates of birth;
- photographs;
- video recordings;
- identification numbers;
- attendance information;
- health information;
- employment information;
- financial information; and
- information contained within records relating to an individual.

Some information receives additional protection under data-protection law because it is particularly sensitive.

Special Category Data

Special category data includes information such as:

- racial or ethnic origin;
- health;
- biometric information where used for identification;
- religious or philosophical beliefs;
- sexual orientation; and
- other categories defined by data-protection legislation.

The nursery will only process special category data where there is an appropriate lawful basis under Article 6 of the UK GDPR and an applicable condition under Article 9 and/or other relevant legislation.

Special category data will only be collected where there is a genuine need for it and will be subject to additional safeguards.

Information We Collect About Children

We may collect and process information about children including:

Personal and contact information

- Child's name.
- Preferred name.
- Date of birth.
- Home address.
- Parent/carer details.
- Details of anyone with parental responsibility.
- Emergency contact details.
- Authorised collection arrangements.
- Relevant court orders or restrictions where necessary to safeguard the child.

Attendance and nursery information

- Registration information.
- Attendance and absence.
- Sessions attended.
- Arrival and collection information.
- Funding information.
- Information required to administer the nursery contract.

Health, medical and dietary information

Where relevant, we may collect:

- allergies;
- dietary requirements;
- medical conditions;
- medication requirements;
- health plans;
- disability information;
- relevant medical advice;
- information about additional health needs;
- accident and injury information; and
- information necessary to protect a child's health and welfare.

Development and learning information

We may process:

- observations;
- assessments;
- planning information;
- progress records;
- photographs used to evidence learning;
- examples of children's work;
- reports;
- information concerning development and interests; and
- information needed to support transition to school or another setting.

Safeguarding information

Where necessary, we may process information relating to:

- safeguarding concerns;
- child protection referrals;

- child protection plans;
- referrals to children's services;
- information from other professionals;
- concerns about a child's welfare;
- attendance concerns;
- incidents or injuries; and
- information relevant to preventing harm.

Safeguarding information may need to be shared without parental consent where this is necessary or required to protect a child or another person.

Information We Collect About Parents and Carers

We may collect:

- name;
- address;
- telephone number;
- email address;
- relationship to the child;
- parental responsibility information;
- emergency contact information;
- authorised collection information;
- payment and billing information;
- information necessary to administer funded hours;
- relevant court orders or legal restrictions;
- correspondence with the nursery;
- complaints and concerns;
- information necessary to safeguard a child; and
- other information reasonably necessary to provide nursery services.

We will only request information that is relevant and necessary for the purpose for which it is collected.

Information We Collect About Staff

We may collect and process information about employees, workers, students, volunteers and apprentices including:

- name and contact details;
- date of birth;
- address;
- emergency contact;
- National Insurance number;
- bank and payroll information;
- tax information;
- right-to-work information;
- qualifications;
- employment history;
- references;
- training records;
- professional registrations;

- DBS information;
- attendance and working hours;
- annual leave;
- performance information;
- disciplinary and grievance information;
- sickness and absence information;
- health information where necessary;
- workplace accident information;
- equality and diversity information where appropriately collected; and
- other information necessary to administer employment and comply with legal obligations.

Health information and other special category information will receive additional protection.

Information About Prospective Families

Where a family makes an enquiry about the nursery, we may collect:

- parent/carer name;
- contact details;
- child's name and age/date of birth;
- requested sessions;
- information about the child's needs where volunteered or necessary to assess suitability;
- correspondence and enquiry information.

If the child subsequently attends the nursery, relevant information will be transferred into the child's nursery records.

If the child does not attend, information will be retained only for as long as necessary in accordance with our retention arrangements.

How We Collect Personal Information

We may collect information:

- directly from parents/carers;
- directly from employees or applicants;
- through nursery registration forms;
- through telephone calls, emails and correspondence;
- through attendance systems;
- through observations and assessments;
- through accident and incident records;
- through safeguarding processes;
- from health professionals;
- from local authorities;
- from previous settings or schools where appropriate;
- from Ofsted or other regulatory bodies;
- from professional agencies;
- from referees and previous employers;
- through DBS processes;

- through nursery software systems;
- through CCTV, where applicable; and
- from other lawful sources where necessary.

Where we obtain personal information from another source, we will provide appropriate privacy information in accordance with data-protection requirements, subject to any applicable legal exemption.

Why We Use Personal Information

We process personal information for purposes including:

Providing nursery services

- registering children;
- managing attendance;
- communicating with parents/carers;
- arranging sessions;
- administering fees;
- administering funded places;
- supporting children's learning and development;
- providing appropriate care;
- supporting transition to school;
- meeting children's individual needs.

Safeguarding and welfare

- protecting children from harm;
- responding to safeguarding concerns;
- managing accidents and incidents;
- sharing information with appropriate safeguarding professionals;
- complying with safeguarding duties;
- maintaining appropriate safeguarding records.

Health and safety

- managing allergies and medical conditions;
- administering medication;
- responding to accidents;
- maintaining health and safety records;
- managing emergencies;
- complying with health and safety requirements.

Regulatory and legal compliance

- complying with the EYFS framework;
- responding to Ofsted;
- complying with local authority requirements;
- meeting funding requirements;
- complying with employment legislation;
- complying with tax and payroll requirements;
- complying with legal requests;
- preventing and detecting unlawful activity.

Employment

- recruitment;
- payroll;

- pension administration;
- training;
- performance management;
- absence management;
- workplace health and safety;
- disciplinary and grievance processes;
- DBS checks;
- maintaining employment records.

Lawful Bases for Processing

We will identify an appropriate lawful basis for each processing activity.

Depending on the circumstances, this may include:

- **Contract** - where processing is necessary to provide nursery services or administer an employment contract.
- **Legal obligation** - where we are required by law to process information.
- **Legitimate interests** - where processing is necessary for our legitimate interests and those interests are not overridden by the individual's rights and freedoms.
- **Vital interests** - where processing is necessary to protect someone's life.
- **Public task**, where applicable.
- **Consent** - where we choose to rely on consent and the legal requirements for valid consent are met.

We will not assume that consent is required simply because personal information is being processed.

Each significant processing activity will be considered separately to determine the most appropriate lawful basis.

Where legitimate interests are relied upon, we will consider the necessity and proportionality of the processing and the rights and interests of the individual. Particular care will be taken where the information relates to children.

Children's Personal Information

Children require particular protection when their personal information is processed because they may have less awareness of the risks involved.

We will therefore:

- only collect information that is necessary and appropriate;
- protect children's information from unauthorised access;
- limit access to staff who need the information;
- use clear and appropriate privacy information;
- consider children's interests when making decisions about their information;
- avoid unnecessary sharing;
- provide appropriate safeguards for health, safeguarding and other sensitive information; and
- support children in exercising their data-protection rights where appropriate to their age, maturity and understanding.

The ICO confirms that children have the same data-protection rights as adults, although the way those rights are exercised may depend on the child's age, maturity and understanding.

Photographs and Video

The nursery may take photographs or videos for legitimate nursery purposes, including:

- recording learning and development;
- documenting activities;
- supporting observations and assessments;
- creating displays within the nursery;
- celebrating children's achievements;
- supporting children's understanding of their own learning.

Where photographs or videos are used for purposes requiring consent, such as certain external publicity or marketing purposes, the nursery will obtain appropriate consent before using them.

Consent will be specific to the purpose for which it is requested.

We will not assume that consent to one use automatically gives permission for another use. Parents/carers can withdraw consent for processing that relies on consent. Withdrawal of consent will not affect processing that has already taken place lawfully before consent was withdrawn.

Where photographs form part of a child's learning or safeguarding record, they may be retained as part of that record where there is another lawful basis for doing so.

Staff must not take photographs or videos of children using personal mobile phones or personal devices unless expressly authorised under the nursery's procedures.

Sharing Information

We may share personal information where this is lawful, necessary and proportionate.

Recipients may include:

- Ofsted;
- local authorities;
- children's social care;
- safeguarding partners;
- health professionals;
- schools and other educational settings;
- emergency services;
- police, where lawful and appropriate;
- funding bodies;
- HMRC;
- pension providers;
- payroll providers;
- DBS;
- professional advisers;
- insurance providers;

- software and IT providers;
- secure nursery management systems;
- other organisations where required by law or necessary to protect a child or another person.

We will only share the information necessary for the particular purpose.

Where appropriate, we will ensure that data-processing agreements or other contractual safeguards are in place with organisations processing information on our behalf.

Safeguarding and Information Sharing

The nursery's duty to safeguard children takes priority where there is a genuine concern that a child or another person may be at risk of harm.

Personal information may therefore be shared without consent where:

- there is a legal requirement to share it;
- sharing is necessary to safeguard a child;
- sharing is necessary to protect someone's vital interests;
- sharing is necessary to prevent or detect crime where legally permitted; or
- another lawful basis applies.

We will not allow data-protection concerns to prevent appropriate safeguarding action.

Where information is shared, staff will share only information that is relevant, necessary and proportionate.

Data Processors and Third-Party Systems

The nursery may use third-party systems to support its operations, including:

- nursery management software;
- accounting/payroll systems;
- email providers;
- cloud storage;
- HR systems;
- safeguarding systems;
- learning and assessment platforms;
- IT support services;
- website providers.

Where a supplier processes personal data on our behalf, we will take appropriate steps to ensure that the supplier provides adequate security and complies with applicable data-protection requirements.

Staff must only use systems approved by the nursery for storing or transmitting personal information.

International Transfers

Where personal information is transferred outside the United Kingdom, we will ensure that appropriate safeguards are in place in accordance with applicable data-protection law.

Where an international transfer takes place through a third-party software provider, we will consider the provider's data-processing arrangements and applicable transfer safeguards. Relevant international transfers will be documented where required.

Data Security

We will take appropriate technical and organisational measures to protect personal information.

These measures may include:

- password protection;
- access controls;
- secure storage;
- restricted access to confidential records;
- secure disposal;
- staff training;
- confidentiality requirements;
- secure email arrangements;
- antivirus and security measures;
- appropriate backups;
- device security;
- locked filing cabinets;
- secure premises;
- monitoring of access where appropriate.

Staff must:

- keep passwords confidential;
- lock screens when leaving devices unattended;
- not share personal information unnecessarily;
- check email addresses before sending sensitive information;
- avoid discussing confidential information where unauthorised people may hear;
- report lost or stolen devices or documents immediately;
- use approved systems;
- dispose of confidential information securely.

Personal Data Breaches

A personal data breach may include:

- sending information to the wrong person;
- losing a document containing personal information;
- losing or having a device stolen;
- unauthorised access to a system;
- accidentally disclosing confidential information;
- a cyberattack;
- inappropriate access to records;
- accidentally deleting or damaging personal information.

All suspected data breaches must be reported to the Data Protection Lead/Manager immediately.

Staff must not attempt to conceal a breach.

The nursery will assess the breach, contain it where possible, record it and determine whether it must be reported to the ICO or affected individuals.

Where a breach is reportable, the ICO normally requires notification without undue delay and, where feasible, within 72 hours of becoming aware of the breach. The nursery will maintain a record of personal-data breaches whether or not they are ultimately reportable.

A separate Data Breach Procedure and Breach Log will be maintained.

Data Retention

We will not keep personal information for longer than is necessary for the purpose for which it was collected, unless a longer retention period is required or permitted by law.

Retention periods will take account of:

- legal requirements;
- regulatory requirements;
- safeguarding requirements;
- the nature of the information;
- the purpose for which it is held;
- potential legal claims;
- the need to demonstrate compliance.

The nursery will maintain a separate **Data Retention Schedule** setting out the applicable retention period for different categories of records.

Records will be securely destroyed or deleted when the retention period expires, unless there is a lawful reason for retaining them.

Children's Records and Safeguarding Records

Some children's records may need to be retained for longer periods because of statutory, safeguarding, legal or regulatory requirements.

Safeguarding records will be subject to particular controls and will not automatically be deleted simply because a child leaves the nursery.

The nursery will follow its safeguarding record-keeping and retention arrangements.

Data Protection Rights

Depending on the circumstances, individuals have rights including:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability, where applicable;
- the right to object; and
- rights relating to automated decision-making and profiling where applicable.

Not all rights apply in every situation. Certain legal exemptions and restrictions may apply, particularly where information relates to safeguarding, legal obligations or other protected purposes.

Children have their own data-protection rights. The nursery will consider a child's age, maturity and understanding when determining how those rights should be supported.

24. Subject Access Requests

Individuals can request a copy of the personal information we hold about them.

A Subject Access Request (SAR) may be made verbally or in writing.

Requests should be sent to: The Business and Operations Manager for the nursery.

We may need to verify the identity of the person making the request.

We will normally respond within **one month** of receiving a valid request and the information needed to deal with it. In certain circumstances, the statutory timescale may be extended in accordance with applicable law.

The ICO confirms that organisations normally have one month to respond to a subject access request.

Where a request relates to a child, the nursery will consider whether the person making the request has the appropriate authority and whether disclosure is in the child's best interests, taking account of the child's age, maturity and understanding.

Correcting Information

Individuals should tell us if information we hold about them is inaccurate or incomplete.

We will take reasonable steps to correct inaccurate personal information.

Staff are responsible for ensuring that records they create are accurate, relevant and factual.

Requests for Erasure

Individuals may have the right to request that their personal information is erased.

However, this right is not absolute.

The nursery may need to retain information where:

- we are legally required to keep it;
- it is required for safeguarding;
- it is necessary for legal claims;
- we have another lawful basis for retaining it; or
- another legal exemption applies.

We will assess each request individually.

Restriction and Objection

Individuals may, in certain circumstances, ask us to restrict processing or object to processing.

The nursery will assess the request against the relevant legal requirements and explain the outcome to the individual.

Where legitimate interests are relied upon, individuals may have a right to object depending on the circumstances.

Consent

Where the nursery relies on consent, consent must be:

- freely given;
- specific;
- informed;
- unambiguous;
- recorded appropriately; and
- capable of being withdrawn.

We will not make the provision of nursery services conditional on consent where consent is not genuinely necessary for that service.

Where another lawful basis applies, withdrawing consent will not necessarily require us to stop processing the information.

Marketing and Communications

Where we send marketing communications electronically, we will comply with applicable privacy and electronic communications requirements.

We will distinguish between:

- necessary operational communications;
- service-related communications; and
- optional marketing communications.

Where consent is required for marketing, we will obtain and manage consent appropriately. Parents/carers may opt out of optional marketing communications.

Automated Decision-Making and Profiling

The nursery does not currently make decisions about children, parents or staff based solely on automated processing that produces legal or similarly significant effects.

If this changes, the nursery will review the legal requirements and update this Privacy Notice and its procedures before implementing such processing.

31. Confidentiality

All staff and other individuals who have access to personal information are expected to maintain confidentiality.

Confidential information must only be accessed where there is a legitimate work-related reason.

Staff must not:

- discuss children's or families' information outside the workplace;
- share information through personal social media;
- take confidential records home without authorisation;
- use personal email accounts to send confidential information;
- photograph confidential records using personal devices;
- disclose information to parents about other children or families.

Breaches of confidentiality may result in disciplinary action and, where appropriate, referral to relevant authorities.

CCTV

Where CCTV is operated by the nursery, it will be used for defined and lawful purposes such as safeguarding, security and the prevention or detection of crime.

CCTV will be managed in accordance with applicable data-protection requirements.

A separate **CCTV Policy** will explain:

- the purpose of CCTV;
- camera locations;
- who can access footage;
- retention periods;
- disclosure arrangements;
- subject access arrangements;
- security arrangements.

Sharing Information With Parents and Carers

Parents and carers will generally receive information relating to their own child.

We will not disclose another child's personal information simply because a parent requests it.

For example, information about another child's:

- health;
- behaviour;
- safeguarding;
- family circumstances;
- attendance;
- accident or incident;
- development; or
- personal circumstances

will remain confidential unless there is a lawful reason to disclose it.

Complaints About Data Protection

If a parent, child, employee or other individual has concerns about how their personal information is being handled, they should initially contact the Nursery Manager.

We will investigate concerns appropriately and aim to resolve them promptly.

Individuals also have the right to complain to the **Information Commissioner's Office (ICO)** if they believe their personal information has not been handled in accordance with data-

protection law.

Staff Responsibilities

All staff must:

- understand their responsibilities regarding personal information;
- complete required data-protection training;
- maintain confidentiality;
- only access information they need for their role;
- use approved systems;
- keep information secure;
- report inaccuracies;
- report suspected data breaches immediately;
- follow the nursery's Data Protection and Confidentiality Policy;
- follow the nursery's Data Breach Procedure;
- follow the nursery's retention and disposal procedures.

Managers are responsible for ensuring that staff receive appropriate training and understand the confidentiality requirements associated with their role.

Data Protection Impact Assessments

Where a proposed processing activity is likely to result in a high risk to individuals' rights and freedoms, the nursery will consider whether a **Data Protection Impact Assessment (DPIA)** is required.

This may be relevant when introducing:

- new technology;
- new monitoring systems;
- biometric systems;
- significant CCTV changes;
- new systems involving sensitive children's information;
- large-scale processing of special category data; or
- other processing that may create a high risk.

The DPIA process will identify risks and appropriate measures to reduce those risks.

Data Accuracy

We will take reasonable steps to ensure that personal information is accurate and, where necessary, kept up to date.

Staff should record information factually and avoid unnecessary opinions or speculation. Where professional judgement or an opinion is recorded, it should be clear that it is an opinion and should be supported by appropriate evidence where necessary.

Data Minimisation

We will only collect and retain information that is:

- adequate;
- relevant;

- necessary; and
- proportionate

for the purpose for which it is processed.

Staff should not create or retain personal information simply because it might be useful in the future.

Privacy by Design

When introducing new systems, processes or technologies, the nursery will consider data-protection and privacy requirements from the outset.

This includes considering:

- what information is needed;
- why it is needed;
- who needs access;
- how it will be secured;
- how long it will be kept;
- whether the processing is proportionate;
- whether less intrusive alternatives are available.

Children's interests and rights will receive particular consideration when children's personal information is involved.

Records Management

The nursery will maintain appropriate records relating to:

- children;
- parents/carers;
- staff;
- safeguarding;
- accidents and incidents;
- attendance;
- health and medication;
- learning and development;
- funding;
- complaints;
- data breaches;
- subject access requests;
- consent;
- data-processing arrangements;
- risk assessments and DPIAs where applicable.

Records will be stored securely and accessed only by authorised individuals.

42. Review of This Privacy Notice

This Privacy Notice will be reviewed:

- at least annually;
- when legislation changes;

- when ICO guidance changes;
- when the nursery introduces a new significant processing activity;
- following a significant data breach;
- following a significant change to nursery systems;
- following changes to safeguarding or regulatory requirements.

The nursery will ensure that privacy information is updated before introducing significant new uses of personal information where required.

The ICO states that privacy information should be reviewed regularly and updated when necessary, with new uses brought to people's attention before processing begins.

43. Related Policies and Procedures

This Privacy Notice should be read alongside the nursery's:

- Data Protection and Confidentiality Policy;
- Data Breach Procedure;
- Safeguarding and Child Protection Policy;
- Staff Confidentiality Agreement;
- Photography and Video Policy;
- Social Media Policy;
- CCTV Policy
- Cyber Security / IT Policy;
- Mobile Phone and Personal Device Policy;
- Complaints Policy

Right to withdraw consent

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact **[the manager]**. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

I, _____ (employee/parent),
acknowledge that on _____ (date), I received a copy of the
nursery's privacy notice for employees, children and parents and that I have read and
understood it.

Signature _____

Name _____