Springboard Sunderland Trust

Springboard Nursery

Data Protection Information and Sharing Policy (GDPR)

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Data Protection Information and Sharing Policy (GDPR)	
Category:	Springboard Nursery
Responsible Person:	Marie Hunter
Accountable Person:	Jane Waggott
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Policy statement

Confidentiality and Information Sharing

Springboard Nursery needs to collect and use different types of information about staff, children, parents, visitors and other individuals who come into contact with the nursery. In some circumstances, Springboard Nursery may also be required by law to collect, record and use certain information in order to meet its statutory and legal obligations.

Springboard Nursery recognises that parents and individuals have a right to know that information they provide will be treated confidentially. They should also be informed, wherever appropriate, about the circumstances in which information may need to be shared and the reasons for doing so.

Confidential information will normally only be shared with the appropriate consent or authorisation. However, there are circumstances where Springboard Nursery may be required to share confidential information without consent were doing so is necessary and in the public interest. This may include situations where sharing information is necessary:

- To prevent a crime from being committed or to support the investigation or intervention where a crime may have been committed.
- To prevent or reduce the risk of harm to a child or adult.
- Where failing to share the information could result in a greater risk or more serious outcome than sharing it.

Any decision to share confidential information without consent must **not be made by an individual acting alone**. Advice and support should be sought from the nursery management team and, where appropriate, the Chief Executive or other designated senior person.

Safeguarding and Information Sharing

Information may need to be shared without consent where there are safeguarding concerns and it is necessary to protect a child or adult from serious harm. The key circumstances include:

- Where there is evidence that a child is suffering, or is at risk of suffering, **significant harm**.
- Where there is reasonable cause to believe that a child may be suffering, or may be at risk of suffering, **significant harm**.
- Where sharing information is necessary to prevent significant harm to children and young people or serious harm to adults, including where this is necessary for the prevention, detection or prosecution of serious crime.

When considering whether information should be shared, Springboard Nursery will act proportionately and in accordance with its safeguarding responsibilities, confidentiality requirements and applicable data protection legislation. Only information that is relevant and necessary should be shared, and information should be shared with the appropriate person or organisation.

Where it is safe and appropriate to do so, the individual concerned should be informed that information is being shared and the reasons for doing so. However, this should not be done where doing so could place a child or adult at greater risk of harm, prejudice a safeguarding investigation, or otherwise be contrary to the public interest.

Procedures

There are seven golden rules for information sharing, as set out in *Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers* (July 2018):

1. **Understand that data protection law is not a barrier to justified information sharing.**
   The General Data Protection Regulation (GDPR), the Data Protection Act 2018 and human rights law are not intended to prevent the appropriate sharing of information. Rather, they provide a framework to ensure that personal information about living individuals is shared lawfully, fairly and appropriately.
2. **Be open and honest.**
   Wherever appropriate, be open and honest with the individual and/or their family from the outset about why information may need to be shared, what information may be shared, how it will be shared and with whom. Seek their agreement where appropriate, unless doing so would be unsafe or inappropriate.
3. **Seek advice when in doubt.**
   If you are unsure whether information should be shared, seek advice from an appropriate practitioner, manager or Information Governance Lead. Where possible, seek advice without disclosing the identity of the individual concerned.
4. **Where possible, share information with consent.**
   Where appropriate, respect the wishes of individuals who do not consent to their information being shared. However, consent is not always required. Under the GDPR and Data Protection Act 2018, information may be shared without consent where there is a lawful basis for doing so, including where this is necessary to protect an individual or others from harm. Decisions must be based on the specific circumstances and facts of the case. When sharing or requesting personal information, be clear about the lawful basis on which you are doing so. Where consent has not been obtained, consider whether the individual would reasonably expect their information to be shared.
5. **Consider safety and well-being.**
   Information-sharing decisions must take account of the safety and well-being of the individual and any other person who may be affected by their actions.
6. **Ensure information sharing is necessary, proportionate, relevant, adequate, accurate, timely and secure.**
   Only share information that is necessary for the purpose for which it is being shared. Ensure that it is relevant, adequate and accurate, and that it is shared only with those who need to receive it. Information should be shared in a timely manner and using appropriate security measures, in accordance with the principles set out in this policy.
7. **Keep a record of the decision and the reasons for it.**
   Record the decision made and the reasons for it, whether the decision is to share information or not. Where information is shared, record what information was shared, with whom it was shared, the purpose for sharing it, and the lawful basis relied upon.

Attendance and absence monitoring

The nursery will monitor attendance and follow up unexplained or prolonged absences in a timely manner. Where staff are unable to establish the welfare of a child, emergency contacts may be used and concerns referred to Children's Social Care and/or the Police where appropriate. Attendance patterns will be reviewed as part of safeguarding procedures.

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We will cover this verbally when the child starts and includes this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Upon a child's registration parents are asked to give written consent to share information in the following circumstances:
    - If their child may have additional needs
    - To pass on child development summaries to the next provider/School/Health Visitors or any other professionals
    - To allow us to seek emergency medical treatment should their child take ill or have an accident requiring urgent medical attention while in our care.

We consider the following questions when we need to share:

The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information where this is necessary to safeguard and promote the welfare of children. Staff must share information promptly where there are safeguarding concerns and must not allow concerns about data protection to delay action to protect a child.

- Is there legitimate purpose for sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

The Information we collect

All staff will receive safeguarding training, including online safety and information-sharing responsibilities, and will receive regular updates to ensure they remain aware of current safeguarding requirements.

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 free childcare eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Special Educational Needs Information
- Safeguarding Information
- Medical Needs Information
- Observation and photos for teaching and learning information.
- Your views and comments.

Why we collect and use this information

Springboard provides universal and targeted support for children and families; we need to share information with other agencies such as Health and Early Help. This means sharing records that relate to children and their support needs. Upon registration we ask your permission to contact services such as Health Visitors to discuss your child's needs. You can at this point withdraw your permission for this.

We use this information:

- To support your child's learning
- To monitor and report on progress
- To provide appropriate care to support needs
- To assess the quality of our services
- To comply with the law regarding data protection

We also use the information:

- In referral forms to request additional support
- To provide you and your family with information, products or services that support and help your family, such as the Early Help Service
- To gain additional funding for nursery provision such as the Early Years Pupil Premium information and Inclusion Funding
- The Portals held by Together for Children in order to access places.

The lawful basis on which we use this information

We need to collect and use this information as part of the contract between you and us to deliver childcare, therefore the main legal basis for processing is Article 6b of the General Data Protection Regulation. However, we also need to comply with relevant legislation for processing children's

information, such as the Childcare Act 2006, the Children's Act 2004 and the Children and Families Act 2014, so we have statutory obligations under Article 6c.

Some of the information we need to hold is classed as special category information – primarily ethnicity, gender and any health conditions. Our legal basis for processing this data is provided by Article 9h of GDPR.

Collecting your child's information

Whilst most of the information you provide to us is mandatory, some of it is provided to us on a voluntary basis – for example the use of permission slips for days out, and digital media to record such events. We will always ask for your consent to record any such information and will respect your right to refuse consent.

Storing pupil data

We generally hold your data for specified times within our Retention Policy. All information is held securely with physical and electronic access controls to safeguard the information. Your personal information will be handled securely and shared strictly on a need-to-know basis, only by those specifically authorised to do so, and will not be kept longer than is necessary (Retention Policy).

All information we collect from you is signed for and you will be made aware of who will receive it, for example the 'Parent Declaration Form' is shared with the Local Authority/Together for Children in order to access funding for your child's Nursery entitlement and Early Years Pupil Premium. The only information shared without consent may be through a child protection referral. You have the right to ask to see personal information held about you by speaking to the Nursery Manager.

The nursery will follow National Cyber Security Centre (NCSC) guidance to protect personal information, systems and records from cyber threats. Electronic records will be password protected and accessible only to authorised staff.

- When your child leaves the Nursery all their records are passed onto the appropriate school / Nursery and signed for.
- An overview of key information on Special Educational Needs and Safeguarding is retained for one year to enable us to respond to information requests from services, which are helping your child in their Primary School or Nursery.
- EYFS developmental data analysis is retained in order to provide Ofsted with evidence of children's progress over time.
- We also ask your permission how long we are able to use and retain photographs of your child engaging in their activities at Nursery which are used in displays books and to train professionals. If you do not wish your child's photo to be used please ensure you do not sign the form.

Who we share pupil information with

We routinely share pupil / children's information with:

- Schools / Nurseries that the children will attend after leaving us
- Our Local Authority/Together for Children

- The Department for Education (DFE)
- OFSTED during inspections

Why we share information

We do not share information about children with anyone without consent unless law and our policies require us to do so. We share some data with the Local Authority and Department for Education (DFE) on a statutory basis. This data sharing underpins educational attainment, policy development, inspections, and monitoring.

Child protection files and safeguarding information will be transferred securely when a child moves to another setting or school. Information will be shared securely and only with professionals who have a legitimate safeguarding or educational need to know.

Requesting access to your personal data

Under data protection legislation, anyone with parental responsibility has the right to make a request on behalf of the child to access to the child's information. To make such a request, please contact Nursery Managers (Jane Waggott/ Marie Hunter) the GDPR administrator. 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 compensations for damages caused by a breach of the Data Protection regulations

Jane Waggott and Marie Hunter (Nursery Managers) and Gemma Dunn (Deputy Manager) have specific responsibilities for Data Protection within Springboard Nursery; information will be kept either on a computer as well as a paper version. The setting will give information about:-

- Rights to see personal information, which is held.
- How to have the information corrected if, it's wrong or incomplete.
- Rights on how to complain or challenge how the information is used.
- When to prevent your personal information being used in particular ways.
- The rights to be forgotten

If you have any concerns about the way we are collecting or using your personal data, we request that you raise concern with us in the first instance. 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 policy, please contact:

Jane Waggott/ Marie Hunter- Nursery Manager at Springboard Nursery, Gemma Dunn- Deputy Manager, Steve Reay- Springboard Chief Executive or Keith Miller GDPR officer at Springboard Sunderland Trust.

This Policy is to be read in conjunction with the Privacy notice, Safeguarding ICT and Media Policy, Retention of Children's records and Confidentiality and Client access to records policies

Legal framework

- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Human Rights Act 1998
- Children Act 1989 and 2004
- Childcare Act 2006
- Children and Families Act 2014
- Early Years Foundation Stage Statutory Framework (September 2026)
- Working Together to Safeguard Children
- Keeping Children Safe in Education 2025

Further guidance

- Early Years Foundation Stage Statutory Framework for Group and School-Based Providers (effective 1 September 2026).
- Keeping Children Safe in Education 2025 (for safeguarding and information-sharing good practice).
- Working Together to Safeguard Children.
- Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers.

This policy was adopted by	Springboard Nursery
Date:	10/08/2026
Date to be reviewed:	16/08/2027
Signed by the manager (Marie Hunter)	JWaggott
Signed by the signatory	SReay
Name of signatory	Steve Reay
Role of signatory	Chief Executive