



ROMPERS PRIVATE NURSERY

INFORMATION SHARING, CONSENT AND GDPR POLICY



Policy Statement:

At Rompers we aim to ensure that we follow current legislation and national guidance in relation to sharing information. We will comply with the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR), as amended by the Data (Use and Access) Act 2025, and relevant Scottish guidance on information sharing and child protection.

At Rompers we recognise that children and families have a right to know that information they share with the nursery will be treated confidentially and handled lawfully. Families will be informed about how their information is used and the circumstances and reasons when the nursery may be required or permitted to share information.

As a nursery we understand and respect the permissions parents and, where appropriate, children give us to take, use and store photographs of children to support their learning and development. Where consent is used as the lawful basis, it will be specific, informed, freely given and capable of being withdrawn.

UNCRC Articles: 7, 8, 12, 16, 17, 26

Key Links to Guidance:

Data Protection Act 2018, UK GDPR and Data (Use and Access) Act 2025

<https://www.legislation.gov.uk/ukpga/2018/12/contents>

National Guidance for Child Protection in Scotland 2021 – updated 2023

<https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021-updated-2023/>

ICO – Children's information and data protection guidance

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/childrens-information/>

Aims of this Policy:

To ensure that confidential information and photographs are collected, used, stored and shared lawfully, fairly, securely and appropriately, with children's rights, safety, wellbeing and best interests at the centre of decision-making. Consent will be sought where appropriate, but will not be treated as the only lawful basis for sharing information.

- It is necessary to prevent or detect crime or prevent harm to a child or adult
- Not sharing the information could place a child or another person at greater risk of harm

Critical Criteria for disclosing information is:

- Where there is evidence or reasonable cause to believe that a child is at risk of harm, including significant harm, relevant information will be shared with the appropriate agency without delay where this is necessary, proportionate and lawful.

- To prevent significant harm arising to children or serious harm to adults, including where necessary for the prevention, detection or prosecution of serious crime.

To ensure all information at Rompers is shared appropriately to safeguard all children, families and service users.

Procedures:

Information Sharing

This procedure is based on current UK data protection legislation and Scottish guidance on information sharing and child protection. It reflects the principles of being lawful, fair and transparent, and of sharing information that is relevant, necessary, proportionate, accurate, timely and secure. Rompers will not rely on the former DCSF (2008) “seven golden rules” as its primary source of guidance.

1 – Data protection legislation is not a barrier to sharing information but provides a framework to ensure that personal information is shared lawfully, fairly and appropriately.

- Our policy and procedures on information sharing provide guidance on appropriate sharing of information with external agencies and other organisations.
- Rompers will identify and record an appropriate lawful basis for processing or sharing personal data. Depending on the circumstances, this may include:
 - Consent
 - Contract
 - Legal Obligation
 - Vital Interests
 - Public Task
 - Legitimate Interests

2 – Be open and honest. Rompers will explain to families how, when and why information will be used and, where appropriate, shared, and with whom. The nursery will seek consent where consent is the appropriate lawful basis. Consent will not be sought where doing so would be inappropriate, could place a child or another person at risk, could prejudice a criminal investigation, or where another lawful basis applies.

- Inform parents and families about our information sharing and privacy arrangements when their child starts at Rompers. Relevant information will be included within the registration process and made available through the nursery website.
- This policy can be viewed by service users through the nursery website
- Inform service users about the circumstances when information may be shared with external agencies, for example transitions to school, speech and language support, health or social work services and child protection agencies.
- Rompers will respect and support the data protection rights of service users. Rights may be subject to lawful exemptions or restrictions, particularly where safeguarding, legal obligations or the prevention/detection of crime apply. Rompers will also provide a clear route for raising data protection concerns

or complaints. Data protection complaints will be acknowledged within 30 days, investigated appropriately and the complainant kept informed of the outcome in line with current legal requirements. The following rights will be considered:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure (removal of data)
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision-making including profiling, where applicable

3 – Seek advice when there are doubts about information sharing, including where there may be a child protection concern or possible risk of significant harm.

- Management will seek advice from the appropriate child protection, GIRFEC, social work, police or data protection/information governance professionals where necessary. Staff must not delay necessary safeguarding action while waiting for advice where a child is at immediate risk.

4 – Share with consent where appropriate. Respect the wishes of children and parents where they have a genuine choice about sharing confidential information. However, staff must know when information can or must be shared without consent to protect a child or another person.

- Guidelines for consent are part of this procedure. Consent is only one possible lawful basis and should not be used where it is not appropriate to rely on consent.
- Upon registration, parents will be made aware of the consents requested and the information Rompers will collect and hold through the registration process.
- Upon staff recruitment, staff will be informed about the personal information Rompers will hold and how it will be processed through the relevant employment and privacy documentation.
- Rompers will ensure that service users receive clear privacy information when data is collected. The following points will be considered by the setting:
 - Who the data controller is?
 - What personal data we collect and why?
 - What we will do with the personal data collected?
 - The lawful basis for processing the personal data (see previous)
 - Who you routinely share the personal data with
 - How long the information will be retained, or the criteria used to determine the retention period
 - The rights of the individuals (see previous)
 - The right to complain to Rompers and to the Information Commission (ICO), where appropriate (see complaints procedure).

5 – Consider the safety, wellbeing and best interests of the child when making a decision about sharing information. Where there are concerns about harm, the child's safety and wellbeing are paramount and always our first concern.

- Rompers will record concerns and discuss these with the child protection lead/officer (see Child Protection and Safeguarding Concerns Form). Decisions about whether to share information will be based on what is relevant, necessary, proportionate, timely and lawful. The reason for sharing or not sharing, the information shared, who it was shared with and any advice received will be recorded.

6 – Information shared will always be as accurate and up-to-date as reasonably possible, necessary for the purpose for which it is being shared, limited to those who need to know and shared securely. Policies, procedures and daily practice at Rompers will support this policy.

- Rompers will take responsibility for ensuring information held is accurate and will make amendments where needed. Where there is disagreement about a fact or opinion, records will make this clear.
- All staff at Rompers will be aware of the data protection and information-sharing policy and the procedures taken by Rompers to comply with these requirements through staff meetings, supervision and induction.
- Rompers does not permit policies, procedures or confidential information used in the daily running of the nursery to be removed, copied or shared outside the setting unless authorised and lawful.
- Staff are required to comply with confidentiality and data protection requirements during and after employment. Confidential personal information, records and data must not be taken to a new workplace or disclosed without lawful authority. Any suspected breach will be managed under Rompers' disciplinary and data breach procedures.

7 – Reasons for decisions to share information, or not, are recorded in the child's personal information file or the appropriate safeguarding/information-sharing record.

- Rompers will retain personal information only for as long as necessary for the purpose for which it is processed and in accordance with our Records Retention and Destruction Schedule and any applicable legal, regulatory, safeguarding or insurance requirements. There is no blanket 30-day deletion period for all records.
- When a child leaves Rompers, access to systems and records will be reviewed and removed where appropriate. Information that no longer needs to be retained will be securely disposed of in line with the retention schedule.
- Rompers will retain information that is required for safeguarding, legal, regulatory, financial, insurance, complaint or inspection purposes for the appropriate period. Such information will be stored securely and access will be restricted to those who need it.
- All online learning journals will be archived through the Ovivio app where appropriate and retained in accordance with our retention arrangements and the requirements of the platform. Parent access will be reviewed and removed when the child leaves, subject to any agreed arrangements and the need to retain records.

The following questions will be considered when we need to share information:

- Is there a lawful and legitimate purpose for sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential or otherwise subject to a duty of confidentiality?
- Is consent the appropriate lawful basis, or is another lawful basis more appropriate?
- Is there a statutory duty, legal obligation or court order to share information?
- Is sharing necessary, relevant and proportionate to the purpose?
Is the information accurate and up to date, and is only the minimum necessary information being shared?
Is the information being shared securely with the correct person or organisation?
- Has the decision and the reason for sharing or not sharing been properly recorded?

Consent and Photo Sharing

Parents have a right to be informed about when consent to share information and photographs will be sought, as well as the circumstances when consent may not be sought or when another lawful basis may apply. During registration at Rompers, parents will be informed about image sharing, online learning journals and the relevant privacy arrangements.

During our registration process, parents will receive our Starting Rompers Booklet. This will include information about the use of online learning journals and relevant permissions.

In line with the UK GDPR and Data Protection Act 2018, Rompers will consider whether the child is able to understand and exercise their own data protection rights and, where appropriate, provide information in a child-friendly way. In Scotland, a person aged 12 or over is presumed to be of sufficient age and maturity to understand and exercise data protection rights, unless the contrary is shown. Where a younger child is not competent to give their own consent, consent may be sought from a person with parental responsibility where consent is the appropriate lawful basis.

- When photos are being taken of your child at Rompers there can often be other children in the photo. We will only use and share images in accordance with our lawful basis, privacy information and agreed permissions, while respecting the rights and best interests of all children.
- With this in mind, our Blossom app for online journals may allow us to share images in observations etc. and at times there may be another child in the image. We ask parents to respect the privacy and rights of all children and families at Rompers.
- Within the registration pack, permissions are to be selected regarding photos. If service users do not wish for their child's image to be shared with other service users, please inform a member of management as soon as possible so that this can be reviewed and amended where appropriate on the app. Rompers wishes to ensure that when using the Blossom app, service users feel comfortable and supported.
- We also wish to highlight the importance of respecting children's privacy and the risks associated with posting images of other children on social media. Parents and families must not share images of other children or families without appropriate

permission and should follow the nursery's expectations for photographs and digital media.

- We strongly discourage saving images of your child to your own personal device if the pictures contain other children. Where an image contains another child, families should not share or publish the image elsewhere.
- If any service user wishes to discuss this further, management at Rompers would be delighted to make time for this.
- We do not permit parents to take photographs or video in the nursery during the nursery session.
- Parents will be asked to give written consent on their leaving form to share information about the child, such as child development or additional needs, with the child's next service/school where consent is the appropriate lawful basis. Where information must be shared to safeguard a child or meet a legal requirement, Rompers may share it without consent where this is necessary, proportionate and lawful.

Third Party Sharing

- Rompers regularly engages in opportunities within the community, and photographs may be taken to document children's learning experiences. Any sharing of children's personal information or images with a third party will be considered carefully and will have an appropriate lawful basis.
- Rompers will not allow photographs of children to be taken by third parties unless this has been specifically authorised following an appropriate risk assessment, privacy consideration and lawful basis/permission where required.
- Where Rompers takes photographs for sharing with a third party, images will be selected to minimise identification wherever possible and will only be shared where necessary and appropriate. Where possible, Rompers will use photographs of backs of heads, hands or wider environmental shots when this achieves the purpose.
- Where personal data or images are shared with a third party, Rompers will establish appropriate responsibilities for storage, security, use and deletion. A third party will not automatically become responsible for all aspects of the data simply because information has been shared with them.
- All third-party organisations will be subject to appropriate checks and, where required, a written Information Sharing/Data Protection Agreement or data processing agreement before working with Rompers. Any sharing will be relevant, necessary, proportionate, secure and consistent with children's rights and best interests.

Storage of Data

To ensure information about children and families is secure we have the following procedures in place:

- All personal data is stored on our online app, Ovivio. Each staff member has a unique password and login for the app. Staff and children's accounts are deactivated when they leave or no longer require access. Staff access is tiered according to job role and responsibility. Staff must keep passwords confidential and report any suspected compromise immediately to management.

- All parents have a unique password and login for the app. Parents are responsible for keeping their login details confidential and must notify the nursery if they believe their account has been compromised.
- Staff are only permitted to access the Ovivio app via the iPads, computers and laptops in nursery. All devices at Rompers have Jamf software to support security and management. All iPads, computers and laptops are password protected, as is our iCloud storage for photos and videos. Devices must be kept secure and staff must not bypass security controls.
- All files and documents used at Rompers are stored on Dropbox. Staff have a unique password and login and access is restricted according to role and need.
- All paper files for children are stored in a locked filing cabinet in the office. Paper records must not be left unattended or accessible to unauthorised persons.
- Staff phones are stored in a tray within the cloakroom during the working day and staff are not permitted to use these during working hours. Senior staff are only permitted to use their personal mobile phone for trips and outings. These are only used for emergency purposes. See Staff Mobile Phone for further information.

Data Breaches

Rompers will maintain an internal process for identifying, reporting, assessing, recording and managing personal data breaches. Staff must report any suspected or actual breach to management immediately. Where a breach is likely to result in a risk to individuals' rights and freedoms, Rompers will notify the Information Commission/ICO without undue delay and, where feasible, within 72 hours of becoming aware of the breach. Where a breach is likely to result in a high risk to individuals, those affected will also be informed without undue delay where required. All personal data breaches will be recorded, whether or not they are reportable to the regulator. Examples include:

- Access by an unauthorised third party
- Deliberate or accidental action by a controller or processor
- Sending personal information to an incorrect recipient
- A computing device containing personal information being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal information.

Review:

Date	Management	Track of Changes
August 2021	P. Guthrie	none
February 2023	Room Champions	UNCRC articles added
May 2024	P. Guthrie	Photograph data information updated. Blossom information from Starting Rompers Booklet added to policy. Storage of data information added.
June 2024	P. Guthrie	Final update following consultation with parent policy review group held in May 24 and staff meeting May 24.
January 2025	C.Duncan	None
September 2025	K.Ferguson	See child protection and safeguarding concerns form added
September 2026	Management	Policy updated to reflect current UK data protection requirements, Data (Use and Access) Act 2025, current Scottish child protection information-sharing guidance, children's data rights, retention, third-party sharing, complaints and data breach requirements.