Data Protection Policy

General Statement of Intent

At Alamiyah Montessori, we recognise that we hold sensitive and confidential information about children and their families and the staff we employ. This information is used to meet children's needs and to safeguard them. We store all records in a locked cabinet or on the office computer with files that are password protected in line with data protection principles. Any information shared with the staff team is done on a 'need to know' basis and treated in confidence. This policy works alongside the GDPR privacy notice to ensure compliance under General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Legal requirements

- We follow the legal requirements set out in the Statutory Framework for the Early Years Foundation Stage (EYFS) and accompanying regulations about the information we must hold about registered children and their families and the staff working at the nursery
- We follow the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000 with regard to the storage of data and access to it.

This policy will be implemented in conjunction with the following other policies of the setting:

- Data Retention and Disposal Policy
- E-Safety Policy

Responsibility

The GDPR defines the key roles of the Data Controller and Data Processors.

- A controller determines the purposes and means of processing personal data. The data controller for the school is the Alamiyah Educational Foundation.
- A processor is responsible for processing personal data on behalf of a controller. Data processors are usually third party organisations who provide services to the school.

It is everyone's responsibility within an organisation to be aware of GDPR and ensure compliance with the regulations.

It is the responsibility of data controllers and data processors to comply with GDPR and demonstrate compliance with the regulations.

It is the responsibility of the data controller to ensure that any contracts with processors comply with the GDPR.

Procedures

It is our intention to respect the privacy of children and their families and we do so by:

- Storing confidential records in a locked filing cabinet or on the office computer with files that are password protected
- Ensuring staff, student and volunteer inductions include an awareness of the importance of the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality. This includes ensuring that information about the child and family is not shared outside of the setting other than with relevant professionals who need to know that information. It is not shared with friends and family, or part of any social discussions outside of the setting. If staff breach any confidentiality provisions, this may result in disciplinary action and, in serious cases, dismissal. Students on placement are advised of our Data protection and confidentiality policy and required to respect it
- Ensuring that all staff, volunteers and students are aware that information about children and families is confidential and only for use within the setting to support the child's best interests with parental permission
- Ensuring that parents have access to files and records of their own children but not to those of any other child, other than where relevant professionals such as the police or local authority children's social care team decide this is not in the child's best interest
- Ensuring all staff are aware that this information is confidential and only for use within the setting. If any of this information is requested for whatever reason, the parent's permission will always be sought other than in the safeguarding circumstances above
- Ensuring staff do not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs

- Ensuring staff, students and volunteers are aware of and follow our Social networking policy in relation to confidentiality
- Ensuring issues concerning the employment of staff remain confidential to the people directly involved with making personnel decisions
- Ensuring any concerns or evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a 'need-to-know' basis. If, however, a child is considered at risk, our Safeguarding children and child protection policy will override confidentiality.

All the undertakings above are subject to the paramount commitment of the nursery, which is to the safety and well-being of the child.

General Data Protection Regulation (GDPR) compliance

In order to meet our requirements under GDPR we will also undertake the following:

- We will ensure our terms and conditions, privacy and consent notices are easily accessed and made available in accurate and easy to understand language
- We will use personal data to ensure the safe, operational and regulatory requirements of running the setting. We will not share or use personal data for other purposes. Further detail can be found in the GDPR privacy notice
- Everyone in the setting understands that people have the right to access their records or have their records amended or deleted (subject to other laws and regulations)
- We will ensure staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the GDPR. This includes:
    - Being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'
    - Understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will

enhance the safeguarding of a child in a timely manner, but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk

Staff and volunteer information

- All information and records relating to staff and volunteers will be kept confidentially in a locked cabinet
- Individual staff may request to see their own personal file at any time.

Accountability

Alamiyah Montessori will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the GDPR.

1. The setting will provide comprehensive, clear and transparent privacy notices for all data subjects.
2. The setting will implement measures that meet the principles of data protection by design and data protection by default, such as:
    - Data minimisation
    - Pseudonymisation
    - Transparency
    - Allowing individuals to monitor processing
    - Continuously creating and improving security features.

Data protection officer (DPO)

A DPO will be appointed in house in order to:

- Monitor the school's implementation of data protection laws through conducting internal audits, and providing the required training to staff members
- ensure that all data is properly stored and disposed of correctly and within the correct timeframes

Lawful Processing

The legal basis for processing data will be identified prior to data being processed.

1. Under the GDPR, data will be lawfully processed under the following conditions:
    a. The consent of the data subject has been obtained.
    b. Processing is necessary for:
        i. Compliance with a legal obligation.
        ii. The performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
        iii. For the performance of a contract with the data subject or to take steps to enter into a contract.
        iv. Protecting the vital interests of a data subject or another person.
        v. For the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject. (This condition is not available to processing undertaken by the school in the performance of its tasks.)
2. Sensitive data will only be processed under the following conditions:
    a. Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law.
    b. Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.

Consent

1. Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
3. Where consent is given, a record will be kept documenting how and when consent was given.

4. The setting ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.
5. Consent can be withdrawn by the individual at any time.
6. Where a child is under the age of 16, the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

The Right to be Informed

1. The privacy notice supplied to individuals in regards to the processing of their personal data is written in clear, plain language which is concise, transparent, easily accessible and free of charge.
2. In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:
    a. The identity and contact details of the controller and the DPO.
    b. The purpose of, and the legal basis for, processing the data.
    c. The legitimate interests of the controller or third party.
    d. Any recipient or categories of recipients of the personal data.
    e. Details of transfers to third countries and the safeguards in place.
    f. The retention period of criteria used to determine the retention period.
    g. The existence of the data subject's rights, including the right to:
        i. Withdraw consent at any time.
        ii. Lodge a complaint with a supervisory authority.
    h. The existence of automated decision making, including profiling, how decisions are made, the significance of the process and the consequences.

Data retention (See Data Retention and Disposal Policy)

1. Data will not be kept for longer than is necessary.
2. Unrequired data will be deleted as soon as practicable.
3. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

4. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

DBS Data

1. All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.
2. Data provided by the DBS will never be duplicated.
3. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler.

Review

This policy will be reviewed every 3 years or sooner or if there is any change in statutory guidance or legislation. See 'Policy Review Schedule'.

Last Reviewed: 10/09/2026

Adopted in a meeting at Alamiyah Montessori on 08/09/2025

Signed by Nasim Bobat (Manager) and S Motara (Nominated Person)

on behalf of Alamiyah Montessori

With reference to -

UK General Data Protection (Regulation (EU) 2016/679 GDPR)

The Freedom of Information and Data Protection Regulations 2004

ICO (2018) 'Guide to the General Data Protection Regulation (GDPR)

Privacy and Electronic Communication Regulation 2003