

Privacy Policy

1. Who We Are

Any reference to “MNL” in this privacy notice refers to Millfield Nurseries Ltd.

Millfield Nurseries Ltd is a company limited by guarantee (company number 0015603261).

Millfield Nurseries provides childcare services for children between the ages of 2 months and 11 years (Early Years Foundation Stage (EYFS), breakfast and afterschool clubs). All surpluses from these activities are reinvested in Millfield School for the benefit of its principal educational activity.

2. What this Privacy Notice is for

This policy is intended to provide information about how Millfield Nurseries Limited (MNL) will use (or "process") personal data about individuals including: its current, past and prospective staff; current, past and prospective children on its role; their parents, carers or guardians (referred to in this policy as "parents"); suppliers and contractors and other individuals connected to or visiting its nurseries.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents, and others are all encouraged to read this Privacy Notice and understand MNL obligations to its entire community.

This Privacy Notice applies alongside any other information MNL may provide about a particular use of personal data, e.g. when collecting data via an online or paper form.

This Privacy Notice also applies in addition to MNL other relevant terms and conditions and policies, including:

- any contract between MNL its staff or the parents of the children on its role;
- MNL policy on taking, storing and using images of children;
- MNL CCTV policy;
- MNL retention of records policy;
- MNL Safeguarding, and Health and Safety policies, including as to how concerns or incidents are recorded; and
- MNL IT policies, including its Acceptable Use policy and Online Safety policy.

Anyone who works for, or acts on behalf of, MNL (including staff, volunteers and service providers) should also be aware of and comply with this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

3. Responsibility for Data Protection

MNL has appointed one of its Company Directors as its Information and Privacy Officer, who will deal with your requests and enquiries concerning MNL uses of your personal data (see section on Your Rights

below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

If you have any questions regarding your personal data or its use, please contact the Information and Privacy Officer by email at johnson.m@millfieldschool.com; by telephone at 01458 444284; or by post at Millfield, Street, BA16 0YD.

4. Why MNL Needs to Process Personal Data and Types of Personal Data Processed by MNL

In order to carry out its ordinary duties to staff, children and parents, MNL needs to process a wide range of personal data about individuals (including current, past and prospective staff, children on our roll or parents) as part of its daily operation.

Some of this activity MNL will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of children on its role.

Other uses of personal data will be made in accordance with MNL legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

MNL expects that the following uses will fall within that category of its (or its community's) 'legitimate interests':

Employees

We will collect, store, and use the following categories of personal information about Employees:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth – Gender - Marital status and dependants - Next of kin and emergency contact information.
- National Insurance number - Bank account details, payroll records and tax status information.
- Salary, annual leave, pension and benefits information.
- Start date and, if different, the date of an Employee's continuous employment.
- Location of employment or workplace.
- Copies of proof of identity eg. Passport, driving licence, birth certificates
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- Personnel files and training records including performance information, disciplinary and grievance information, and working time records.
- Information about your use of our information and communications systems.
- Records of any reportable death, injury, disease or dangerous occurrence.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about an Employee's race or ethnicity.
- Information about an Employee's health, including any medical condition, accident, health and sickness records, including: where an Employee leaves employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision; details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and where an Employee leaves

employment and the reason for leaving is related to their health, information about that condition needed for pensions and permanent health insurance purposes.

Children

We will collect, store, and use the following categories of personal information about Children:

- Personal details including; Name - Date of birth - Home address
- Dietary requirements
- Attendance information
- Photographs and video clips of the Child to signpost Children to where their belongings are stored, and also for general display purposes including on our website
- Emergency contact should Parents be unavailable and the emergency contact's contact details
- Record for each Child containing the work of the Child whilst at the Nursery, observations about the Child's development whilst at the Nursery from Employees of the Nursery, specific examples of the Child's progress, photographs demonstrating the Child's development whilst at the Nursery "Progress Report"
- Records relating to individual Children e.g. care plans, common assessment frameworks, speech and language referral forms
- Accidents and pre-existing injuries forms
- Records of any reportable death, injury, disease or dangerous occurrence
- Observation, planning and assessment records of Children

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about a Child's race or ethnicity, spoken language and nationality.
- Information about a Child's health, including any medical condition, health and sickness records.
- Information about a Child's accident or incident reports including reports of pre-existing injuries.
- Information about a Child's incident forms / child protection referral forms / child protection case details / reports.

Parents

We will collect, store, and use the following categories of personal information about Parents:

- Name - Home address - Telephone numbers, and personal email addresses.
- National Insurance number - Bank account details.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about a Parent's race or ethnicity, spoken language and nationality.
- Conversations with Parents where Employees of the Nursery deem it relevant to the prevention of radicalisation or other aspects of the governments Prevent strategy.

5. How MNL Collects Data

Generally, MNL receives personal data from the individual directly (including, in the case of children on our role, from their parents). This may be via a form through the application and recruitment process, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However, in some cases personal data will be supplied by third parties (e.g. another Nursery, or other professionals or authorities working with that child or via third parties including former employers, credit reference agencies or other background check agencies in relation to employees); or collected from publicly available resources.

6. Who Has Access to Personal Data and Who MNL Shares it With

Occasionally, as part of the general operation MNL will need to share personal information with third parties as part of the general operation, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies (e.g. Ofsted)
- web based app providers (e.g. Tapestry, Family)

For the most part, personal data collected by MNL will remain within MNL, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis).

MNL needs to process such information to comply with statutory duties and to keep children on its role and others safe, but MNL will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for trips or for catering purposes. Express consent will be sought where appropriate.

A certain amount of relevant information which relates to a child who has Special Educational Needs (SEN) will need to be provided to staff more widely in the context of providing the necessary care and education that the child requires.

Staff, children and parents are reminded that MNL is under duties imposed by law and statutory guidance to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the Local Authority Designated Officer or police. For further information about this, please view MNL Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of MNL processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with MNL specific directions.

7. How Long Will We Keep Personal Data

MNL will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason;

Children's general records including accident/incident and medication will be kept until the child is 21 years and 3 months old (or until 24th birthday if child was on the Child Protection Register).

Safeguarding/child protection records will be kept until the child is at least 25 years old, sometimes longer if the Local Safeguarding Children Partnership (LSCP) advises.

Daily registers & attendance records and invoice related information will be kept for a minimum of 3 years after the child has left in line EYFS requirements.

If you have any specific queries about how our retention policy is applied or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Information and Privacy Officer. However, please bear in mind that MNL will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, e.g.; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

Our data retention policy details the periods of time that we will retain personal data.

8. Keeping in Touch

MNL will use the contact details of parents to keep them updated about the activities of MNL, or parent events of interest, including in some instances by sending updates and newsletters, by email and by post. Unless the relevant individual objects.

9. Your Rights

Rights of access, etc.

Individuals have various rights under Data Protection Law to access and understand personal data about them held by MNL, and in some cases ask for it to be erased or amended or have it transferred to others, or for MNL to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to MNL Information and Privacy Officer.

MNL will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information).

MNL will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, MNL may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations; please see further below), or information which is subject to legal privilege (e.g. legal advice given to or sought by MNL, or documents prepared in connection with a legal action).

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: e.g. a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

Requests by or on behalf of a child

Children can make subject access requests for their own personal data, provided that, in the reasonable opinion of MNL, they have sufficient maturity to understand the request they are making (see section 'Whose Rights?' below). A Child of any age may ask a parent or other representative to make a subject access request on their behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger children, the law still considers the information in question to be the child's: for older children, the parent making the request may need to evidence their child's authority for the specific request.

Children over the age of 12 years are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home.

Older children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

Parental requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information. MNL may consider there are lawful grounds for sharing with or without reference to that child.

Parents will in general receive educational and pastoral updates about their children. Where parents are separated, MNL will in most cases aim to provide the same information to each person with parental responsibility but may need to factor in all the circumstances.

All information requests from, on behalf of, or concerning children – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

Consent

Where MNL is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are: biometrics, certain types of uses of images, or market research. Please be aware however that MNL may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods or services has been requested).

Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, MNL will often rely on parental authority or notice for the necessary ways it processes personal data relating to children – e.g. under the parent contract, or via a form. Parents should be aware that this is not necessarily the same as MNL relying on strict consent (see section on Consent above).

In general, MNL will assume that children's consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the child's activities, progress and behaviour, and in the interests of the child's welfare. That is unless, in MNL opinion, there is a good reason to do otherwise.

Parents are required to respect the personal data and privacy of others, and to comply with MNL policies (including the IT Acceptable Use policy). Staff are under professional duties to do the same covered under the relevant staff policies.

10. Data Accuracy and Security

MNL will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify MNL Information and Privacy Officer or Nursery site manager of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law):

please see above for details of why MNL may need to process your data, of who you may contact if you disagree.

MNL will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to Nursery systems. All staff and company directors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

11. This Policy

MNL will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

12. Queries and Complaints

Any comments or queries on this policy should be directed to MNL Information and Privacy Officer using the contact details set out in the 'Responsibility for Data Protection' section above.

If an individual believes that MNL has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise MNL complaints procedure and should also notify the MNL Information and Privacy Officer. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with MNL before involving the regulator.

Policy owner	Nursery Group Manager
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