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Guidance

# Childcare: Ofsted privacy notice

Updated 31 January 2020

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Ofsted is the Office for Standards in Education, Children's Services and Skills, a non-ministerial government department. We inspect and regulate services that care for children and young people, and inspect services providing education and skills for learners of all ages.

Ofsted is the data controller for the personal data described in this notice.

You can jump directly to the relevant section if you:

- [work in a childcare setting](#)
- [live where childcare takes place](#)
- [are a parent of a child cared for in a childcare setting](#)
- [provide childcare for children under 8 without registration or on premises that are not approved by Ofsted](#)

# Why we process this personal data

Under the [Childcare Act 2006](#), Ofsted is responsible for regulating and inspecting the provision of childcare in England. As a result of this, we ask for and process a wide range of personal data, where this is necessary to help us decide whether people applying to work in childcare are suitable. As part of this, we may also get personal details of children, parents or any other individual associated with childcare.

## How we will use information about you

This section sets out how we will use data for different types of people.

### I am registered with Ofsted to provide childcare

Because we need to make sure that you are suitable to be registered to provide unsupervised care to children or to be in regular contact with children, we must hold and look at a range of your personal data.

We will keep relevant information about you for at least as long as you are registered. We may keep it for a longer period of time, depending on whether any compliance issues or concerns were raised during your registration.

### I work in a childcare setting

We may collect and see information about you as part of our work to regulate the setting you work in. This can include information written by inspectors or given to us by your employer or by the public in their correspondence about the setting.

### I live where childcare takes place

If you are aged 16 or over and live in a childminder's home, we need to get information about you to check whether you are suitable to be around children. Some of this information will be provided by you, the childminder, other government agencies or members of the public who contact us about the setting.

## **I am a parent of a child cared for in a childcare setting**

We may hold information about you or your child if you or other parents write to us about your childcare experience or if we have to look into whether the childcare provider is meeting legal requirements. We will hold this information alongside our other information about the childcare provider.

If you give information to Ofsted about a safeguarding issue, we will pass this information to your local authority child protection services.

## **I provide childcare for children under 8 without registration or on premises that are not approved by Ofsted**

We may receive information if someone suspects that unregistered or unapproved childcare is taking place. We will use that information and additional information gathered by our inspectors to decide whether we should take any action against the person concerned, including issuing enforcement notices or bringing a prosecution.

The [Childcare Act 2006](#) allows us to prosecute a person who provides childcare for children aged under 8 if we have reason to believe that the person is looking after those children for financial gain and any of the following apply:

- they are not registered with us and do not have a reasonable excuse
- an enforcement notice is in force
- they are looking after children on premises that we have not approved as suitable

## **Types of personal data that we might hold**

We hold a wide range of personal data because of our regulation and inspection of the provision of childcare in England. Specifically for those who must be suitable to be around children, this can include:

- address/contact details
- date of birth
- information about their compliance with regulations
- financial/contractual information
- previous employment/references

- details of criminal convictions and alleged offences
- performance information
- relevant information received about personal life and relationships

We may also hold the following information about any person working in or using childcare services:

- their personal opinions relating to their work
- health information
- safeguarding information

## Who we might share personal data with

We have [arrangements with other public authorities](#) to share personal data about people associated with childcare:

- Her Majesty's Revenue & Customs (HMRC)
- local authorities
- the Department for Education
- any other appropriate authorities, to protect children from harm or neglect
- childminder agencies that you apply to work for

We may also be required to share personal data with:

- parents or prospective parents who are choosing a childcare provider
- the Courts and Tribunals Services
- the Disclosure and Barring Service (DBS)

We [share information with child protection agencies](#) in line with our legal duties and other statutory guidance issued by the government.

We may also share information with colleagues within Ofsted who need it to do their job.

## How long we keep personal data and how we decide this

We will keep relevant information about the suitability of people who are registered to provide childcare for at least as long as that person is registered. We may keep this information for a longer period of time, depending on whether any compliance issues or concerns were raised during the period of registration.

# Where the personal data comes from

As well as information recorded by our inspectors, personal data can come from a variety of sources outside of Ofsted. Information comes mainly from the individuals themselves, but we also receive information from other public authorities and members of the public.

Public authorities include:

- the police
- local authorities
- the Health and Safety Executive
- the Fire Service
- medical professionals
- Disclosure and Barring Service
- other government departments, such as the Department for Education

Members of the public include:

- parents of children being cared for
- employers
- the press
- other registered persons

We receive this information through our telephone contact centre, emails, written correspondence, social media, online forms, referrals from other internal teams or from inspection.

## Legal requirement to give us this information

The Childcare Act 2006 and its regulations set out why we can get personal data about people who provide or are associated with childcare. We would not be able to register or inspect without the personal data.

Section 77(4) of the Childcare Act provides Ofsted inspectors with the power to:

- inspect the premises
- take copies of information relating to the provision of childcare.
- seize and remove any relevant material for evidence
- take measurements and photographs or make recordings
- inspect children being cared for there and the arrangements for their welfare
- interview in private the childcare provider and/or any person caring for children

or living or working on the premises who consents to be interviewed

It is an offence to intentionally obstruct an inspector exercising these powers.

## Your rights and contacting Ofsted

For more about your rights and how to get in touch with us about the information we hold, view the [Ofsted personal information charter](#).

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